# FEDERAL REGISTER

VOLUME 13 NUMBER 178

Washington, Saturday, September 11, 1948


## TITLE 3—THE PRESIDENT

### PROCLAMATION 2810

AIR FORCE DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS September 18, 1948, is the first anniversary of the autonomous United States Air Force; and

WHEREAS it is fitting that our people pay tribute to the men and women, both living and dead, who have contributed to the growth of American air power; and

WHEREAS the United States Air Force is maintaining high standards of proficiency through constant research and development in the field of aviation and through peacetime training of personnel for its mission; and

WHEREAS a grateful Nation recognizes the increasing importance of air power in preserving our democratic way of life, in assuring the physical security of our country, and in helping to safeguard international peace:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Saturday, September 18, 1948, as Air Force Day, and I direct that the flag of the United States be displayed on all Government buildings on that day.

I earnestly request that the people of the United States observe Air Force Day by participating in the programs scheduled at Air Force Bases and by attending civic-sponsored Air Force events. I invite the State and local governments, as well as patriotic and civic organizations and the agencies of the press, the radio, and the motion-picture industry, to cooperate fully in this observance. I also direct that the appropriate agencies of the Federal Government assist in every feasible way in the celebration of Air Force Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
*Secretary of State.*

[F. R. Doc. 48-8202; Filed, Sept. 9, 1948; 12:52 p. m.]

### PROCLAMATION 2811

UNITED NATIONS DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the people of the United States are united in a firm resolve to cooperate effectively with other countries, through the medium of the United Nations, to the end that a future of peace, freedom, and justice may prevail upon the earth; and

WHEREAS it is fitting that the devotion of the American people to the ideals expressed in the Charter of the United Nations should be reaffirmed in our inmost hearts and expressed in public ceremonies; and

WHEREAS it is our desire that our support of the United Nations be given added strength and positive affirmation through the activities of an informed public; and

WHEREAS the General Assembly of the United Nations, on October 31, 1947, unanimously adopted a resolution declaring that October 24, the anniversary of the coming into force of the Charter of the United Nations, "shall henceforth be officially called 'United Nations Day' and shall be devoted to making known to the peoples of the world the aims and achievements of the United Nations and to gaining their support for the work of the United Nations"; and

WHEREAS the General Assembly, in the same resolution, invited the member governments to cooperate with the United Nations in securing observance of United Nations Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby urge the people of

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### THE PRESIDENT



### EXECUTIVE AGENCIES

FEDERAL REGISTER

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## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.



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## CODIFICATION GUIDE—Con.



the United States to observe October 24, 1948, as United Nations Day by exercises exemplifying our recognition of the achievements of the United Nations, our support of its aims, and our determination to strive for the realization of those aims.

And I call upon the officers of the Federal, State, and local governments, as well as upon civic, educational, and religious organizations and institutions, and also upon the agencies of the press, radio, and other media of information, to cooperate in programs designed to give public expression to our devotion to the United Nations and to make more effective our participation in the work of the United Nations; and I urge our citizens to participate actively in these programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of September in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
*Secretary of State.*

[F. R. Doc. 48-8100; Filed, Sept. 9, 1948; 3:48 p. m.]

# TITLE 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. That part of § 2.114 (e) (2) (i) which reads "and third, to qualified former Federal employees." is hereby revoked. Section 2.114 (c) is amended to read as follows:

§ 2.114 *Temporary appointment.* * * *

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional emplcyee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. If such an appointment is made originally for a period of less than 6 months, it may be extended without further approval of the Commission for a period or periods not extending beyond 6 months from the date of original appointment. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended beyond a total of 6 months only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

2. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Securities and Exchange Commission, the Commission has determined that the position of law clerk-trainee should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (23) is revised by amending subdivisions (ii) and (iii) and by adding subdivision (vi), as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(23) *Securities and Exchange Commission.* * * *

(ii) A General Counsel.

(iii) Director, Division of Trading and Exchanges; Director, Division of Public Utilities; Director, Division of Corporation Finance.

* * * * *

(vi) NC/PD. Law clerk-trainee positions. Appointments under this subdivision shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

3. The following subparagraphs of § 24.36 (a) are hereby revoked: § 24.36 (a) (14) *Aquatic Biologist;* § 24.36 (a) (15) *Biologist (Wildlife).*

4. The following sections are hereby added:

§ 24.91 *Aquatic Biologist P-416-1*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, including 30 semester hours in biology, at least 9 of which are in zoology and at least 6 of which are in aquatic studies such as limnology, fishery biology, fish culture, or aquatic ecology; or

(2) Courses in biology in an accredited college or university totaling 30 semester hours, at least 9 of which are in zoology and 6 in aquatic studies such as limnology, fishery biology, fish culture, or aquatic ecology; plus additional appropriate experience or education which, when combined with the 30 semester hours in biology, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Aquatic biologists assist in research or other scientific or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (b), (c), (d), and (e) are applicable to this section.

§ 24.92 *Biologist (Wildlife) P-420-1*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, including a minimum of 30 semester hours in biology of which 10 semester hours are in botany and 15 semester hours are in zoology; at least 6 of the 15 semester hours in zoology must be in such wildlife courses as mammology, ornithology, animal ecology, or wildlife management; or

(2) Courses in biology in an accredited college or university totaling 30 semester hours, of which 10 semester hours must be in botany and 15 semester hours in zoology; at least 6 of the 15 semester hours in zoology must be in such wildlife courses as mammology, ornithology, animal ecology, or wildlife management; plus additional appropriate experience or education which, when combined with the 30 semester hours in biology, will total 4 years of education or experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Wildlife biologists assist in research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals, and other animal life and their relation to agriculture and other interests.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of section 24.36 (b), (c), (d), and (e) are applicable to this section.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
*President.*

[F. R. Doc. 48-8161; Filed, Sept. 10, 1948; 8:49 a. m.]

# TITLE 7—AGRICULTURE

## Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

### PART 52—PROCESSED FRUITS, AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS[1]

REVISED REGULATIONS

On August 11, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-7230; 13 F. R. 4640) regarding proposed regulations in lieu of existing regulations applicable to fruits and vegetables (grading and inspection) (7 CFR, Supps. 52.1 to 52.67, both inclusive). After consideration of all relevant matters presented, including the proposed revised regulations set forth in the aforementioned notice, the following revised regulations covering processed fruits and vegetables, processed products thereof, and certain other processed frood products, are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

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AUTHORITY: §§ 52.1 to 52.58, inclusive, issued under Pub. Law 712, 80th Cong.

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess.), or any future act of Congress conferring similar authority:

*Market inspection of farm products:* For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered.

And also:

*Marketing farm products.* For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world. * * *

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(d) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(e) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(f) "Interested party" means any person who has a financial interest in the commodity involved.

(g) "Applicant" means any interested party who requests inspection service hereunder.

(h) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

(i) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(j) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of;

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(m) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of a single commodity, packed in a single size of container, to be used for inspection.

(n) "Class" means a grade or rank of quality.

(o) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(p) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper storage or improper handling.

(q) "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

(r) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(s) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(t) "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or any other person not authorized by the Administrator pursuant to the regulations in this part.

(u) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

(v) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(w) "Certificate of loading" means a statement, either written or printed, pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

### INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place [2] where the service is desired. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Admin-

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[2] List of inspection offices:

Atlanta 3, Ga.: 449 West Peachtree St., NE.

Baltimore 2, Md.: 407 Appraisers Stores Bldg.

Boston 10, Mass.: 725 Appraisers Stores Bldg.

Cedar Rapids, Iowa: 201 Federal Bldg.

Chicago 7, Ill.: 915 U. S. Customs Bldg., 610 South Canal St.

Columbus 15, Ohio: 39 Old Federal Bldg

Detroit 9, Mich.: Room 36, Detroit Union Produce Terminal, 7201 West Fort St.

Denver 2, Colo.: 553 U. S. Customhouse.

Easton, Md.: 32 East Dover St.

Fayetteville 5, Ark.: 320½ West Dickson St.

Fresno 3, Calif.: 1630 La Salle Ave.

Hammond, La.: Southeastern College Campus (P. O. Box 151).

Los Angeles 15, Calif.: Room 351, Bendix Bldg., 1206 Maple Ave.

Nashville 3, Tenn.: 326 11th Ave. N. (P. O. Box 1174).

New York 14, N. Y.: Room 854, 641 Washington St.

Philadelphia 6, Pa.: 601 U. S. Customshouse, 2d and Chestnut Sts.

Portland 3, Maine: Room 18, U. S. Customshouse Bldg.

Portland 5, Oreg.: 312 U. S. Courthouse.

Richmond 19, Va.: 1030 State Office Bldg.

Ripon, Wis.: U. S. Post Office Bldg.

Rochester 4, N. Y.: 300 Terminal Bldg.

Salem, Oreg.: 977 Edgewater St.

Salt Lake City 1, Utah: B-45 State Capitol Bldg.

San Francisco 3, Calif.: Room 942, 821 Market St.

San Jose 10, Calif.: 52 Locust St.

Seattle 1, Wash.: 1917 1st Ave., Alaska Trade Bldg.

Stockton 22, Calif.: 1238 East Harding Way.

Washington 25, D. C.: 224 12th St. SW. (2d floor).

Winter Haven, Fla.: Old Postal Arcade Bldg., 326 Ave. D.

Weslaco, Tex.: 245 Texas Blvd.

Yakima, Wash.: 212 Liberty Bldg.

istrator (a) for non-compliance by the applicant with the regulations in this part, or (b) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That, the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.12 *Disposition of inspected sample.* Any processed product sample that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal or Quartermaster Corps specifications, written buyer and seller contract specifications or any written specification by an aplicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible accurately to ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided,* That another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided,* That, another employee of the inspection service may sign such certificate of loading covering any processed product check loaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate, may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided,* That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificate may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided,* That, the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if (a) the reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be made accessible for the selection of officially drawn samples; (d) the lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or (e) there is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided,* That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 *Who may become licensed sampler.* Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

(a) Satisfactory evidence that he has passed his twenty-first birthday;

(b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;

(c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(d) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 *Inspectors.* Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 *How samples are to be shipped.* Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 *Sampling rates for officially drawn samples.* Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.

TABLE I—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS AND OTHER CANNED PROCESSED PRODUCTS, SUCH AS PEANUT BUTTER, PICKLES, RELISHES, JAMS, JELLIES, MARMALADES, HONEY, MAPLE SIRUP AND CONCENTRATES

| *Size and type of container* | *Rate of sampling*[1] |
|---|---|
| Any type of container not exceeding that of a No. 3 size can (404 x 414). | 1 container for each 2,400 containers or fraction thereof. |
| Any type of container of a volume capacity exceeding that of a No. 3 size can (404 x 414) but not exceeding that of a No. 12 size can (603 x 812). | 1 container for each 1,200 containers or fraction thereof. |
| Any type of container of a volume capacity exceeding that of a No. 12 size can (603 x 812). | One 8-ounce sample (approximate weight) for each 200 containers or fraction thereof. |

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE II—FROZEN FRUITS AND VEGETABLES

| *Size and type of container* | *Rate of sampling* [1] |
|---|---|
| Any type of container of 1 pound or less net weight. | 1 container for each 2,400 containers or fraction thereof. |
| Any type of container over 1 pound but less than 5 pounds, net weight. | 1 container for each 1,600 containers or fraction thereof. |
| Any type of container of 5 pounds or more, but less than 10 pounds, net weight. | 1 container for each 1,200 containers or fraction thereof. |
| Any type of container of 10 pounds or more, net weight. | One 2-pound sample (approximate weight) for each 4,000 pounds of the first 20,000 pounds, plus 1 additional 2-pound sample for each additional 8,000 pounds, or fraction thereof, in excess of 20,000 pounds. |

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE III—DRIED FRUITS

| *Size and type of container* | *Rate of sampling* [1] |
|---|---|
| Any type of container not exceeding 3 pounds, net weight. | 1 container for each 2,400 containers or fraction thereof. |
| Larger than 3 pounds but less than 25 pounds. | 1 container for each 1,200 containers or fraction thereof. |
| 25 pounds and larger | One 8-ounce sample (approximate weight) for each 3,000 pounds in the first 30,000 pounds, plus 1 additional similar sample for each additional 6,000 pounds or fraction thereof in excess of 30,000 pounds. In no case shall the total weight of the samples drawn be less than 100 ounces. |

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE IV—DEHYDRATED FRUITS AND VEGETABLES

| *Size and type of container* | *Rate of sampling* [1] |
|---|---|
| Any type of container of 5 pounds or less net weight. | 1 container for each 2,400 containers or fraction thereof. |
| Any type of container in excess of 5 pounds, net weight. | One 20-ounce (approximate weight) sample for each 4,000 pounds or fraction thereof. |

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE V—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

| *Size and type of container* | *Rate of sampling* [1] |
|---|---|
| Any type of container irrespective of its size or volume capacity. | At a rate that will represent the lot as may be determined by the inspector. |

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

---

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a sampling certificate. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, such fees and charges shall be paid in advance. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of three (3) dollars per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section as follows: [3]

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple sirup, and concentrates.*

*Officially drawn samples* [1]

| | |
|---|---|
| Each lot: | |
| Minimum fee for 600 cases or less | $5.00 |
| For each additional 200 cases, or fraction thereof, in excess of 600 cases | 1.40 |

*Unofficially drawn samples*

| | |
|---|---|
| Minimum fee | $2.00 |
| For more than 4 containers of any type of a volume capacity not in excess of that of a No. 3 size can (404 x 414), per container | .50 |
| For more than 2 containers of any type of a volume capacity exceeding that of a No. 3 size can (404 x 414) but not exceeding that of a No. 12 size (603 x 812), per container | 1.00 |

[1] Inspection of large quantities: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of $1.20 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

(2) *Frozen fruits and vegetables.*

*Officially drawn samples*

| | |
|---|---|
| Each lot: | |
| Minimum fee for 10,000 pounds or less | $5.00 |
| For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds | 1.75 |

*Unofficially drawn samples*

| | |
|---|---|
| Minimum fee for a single sample | $2.00 |
| For each additional sample | 1.00 |

(3) *Dried fruits.*

*Officially drawn samples*

| | |
|---|---|
| Each lot: | |
| Minimum fee for 12,000 pounds or less | $5.00 |
| For each additional 2,000 pounds, or fraction thereof in excess of 12,000 pounds | .40 |

*Unofficially drawn samples*

| | |
|---|---|
| Each sample | $3.00 |

(4) *Dehydrated fruits and vegetables.*

*Officially drawn samples*

| | |
|---|---|
| Each lot: | |
| Minimum fee for 20,000 pounds or less | $15.00 |
| For each additional 2,000 pounds, or fraction thereof in excess of 20,000 pounds | 1.50 |

[3] The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

*Unofficially drawn samples*

| | |
|---|---|
| Each lot: | |
| Minimum fee for 3 samples or less | $7.50 |
| For each additional sample in excess of 3 samples | 2.50 |

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of $3.00 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however,* That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided,* That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 60 percent of the fee provided in this part applicable to the respective processed product: *Provided,* That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of three (3) dollars per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 60 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided,* That, if the fee charged is based on the hourly rate, the fee shall be at the rate of three (3) dollars per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided,* That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* The following charges shall be made for micro, chemical and certain other special analyses when not included in the fee for inspection for class, quality or condition:

| Type of analysis | For first analysis | For each additional analysis |
|---|---|---|
| *Micro, chemical, and certain other special analyses* | | |
| Mold count | $1.50 | $1.50 |
| Worm larvae and insect fragment count | 3.00 | 3.00 |
| Fly egg and maggot count | 3.00 | 3.00 |
| Alcohol insoluble solids | 3.00 | 2.00 |
| Alcohol | 2.00 | 2.00 |
| Ascorbic acid (vitamin C) | 6.00 | 2.00 |
| Ash | 2.00 | 2.00 |
| Ash, salt free | 4.00 | 4.00 |
| Ash, acid insoluble | 4.00 | 4.00 |
| Ash, water insoluble | 4.00 | 4.00 |
| Catalase [1] | 2.00 | 1.00 |
| Crude fiber | 10.00 | 5.00 |
| Ether extract (crude fat) | 5.00 | 5.00 |
| Fiber, green and wax bean | 3.00 | 2.00 |
| Iodine number | 8.00 | 8.00 |
| Moisture (air oven method) | 2.00 | 2.00 |
| Moisture (vacuum oven method) | 2.00 | 2.00 |
| Nitrogen | 3.00 | 2.00 |
| Non-volatile ether extract | 6.00 | 6.00 |
| Oil of lemon and orange extract (precipitation method) | 3.00 | 3.00 |
| Oil of lemon extract with oil base (distillation method) | 4.00 | 4.00 |
| Peroxidase [1] | 2.00 | 1.00 |
| Phosphorus pentoxide ($P_2O_5$) | 8.00 | 8.00 |
| Phosphorus pentoxide ($P_2O_5$) and aluminum trioxide ($Al_2O_3$) | 15.00 | 15.00 |
| Recoverable oil | 2.00 | 2.00 |
| Reducing sugars | 6.00 | 6.00 |
| Titrations: citric, lactic, acetic, or fatty acids, sodium chloride [1] | 1.00 | 1.00 |
| Starch or carbohydrates (direct hydrolysis) | 12.00 | 10.00 |
| Carbohydrates (by difference) | 12.00 | 10.00 |
| Sulphur dioxide (direct titration) | 3.00 | 1.00 |
| Soluble solids (by Refrac.) [1] | 2.00 | 1.00 |
| Total solids (by Refrac.) [1] | 2.00 | 1.00 |
| Total solids (by drying) | 3.00 | 2.00 |
| Vanillin and coumarin | 10.00 | 10.00 |
| Volatile and non-volatile ether extract | 8.00 | 8.00 |
| Water extract | 4.00 | 4.00 |
| Water insoluble, inorganic residue, examination for adulteration, and particle count | 8.50 | 6.00 |

[1] Included in the fee for inspection service when class, quality, or condition also determined.

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of three (3) dollars per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of fifty cents for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

§ 52.50 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of three (3) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform inspection service pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fradulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited.

This applies to all appointees or licensees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 52.58 *Publication.* Publication under the act and in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

It is hereby found and determined that it is necessary in the public interest to make this order effective not later than 12:01 a. m., e. d. s. t., September 16, 1948, to permit the prompt charging of increased fees to cover increased operational expenses resulting from the recent increase in Federal Government salaries and other cost increases. Delay in making such increases effective promptly would result in an increasing deficit in proportion to the length of delay. The public has heretofore been notified of the proposed revised regulations by way of the aforementioned notice which was published in the FEDERAL REGISTER on August 11, 1948, and no further time for preparation for coverage under these revised regulations is needed by interested parties. In these circumstances, it is impractical, unnecessary and contrary to the public interest to delay the effective date of these revised regulations for thirty days after their publication in the FEDERAL REGISTER (see sec. 4 of the Administrative Procedure Act, 60 Stat. 237).

Issued at Washington, D. C., this 8th day of September 1948, to become effective on and after 12:01 a. m., e. d. s. t., September 16, 1948.

[SEAL] DILLARD B. LASSETER,
*Acting Secretary of Agriculture.*

[F. R. Doc. 48-8179; Filed, Sept. 10, 1948; 8:54 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR ORANGES

*Correction*

In Federal Register Document 48-8043, appearing at page 5174 in the issue for Saturday, September 4, 1948, the following corrections should be made:

1. In the table on page 5176 under "Minimum" the second figure which reads "3 5/16" should read "3 3/16."

2. In the third column on page 5176, in the second line of subparagraph (5) the first word should read "more."

3. In the second column of page 5177, the first word in subdivision (xiii) should read "Riciness".

4. In the first column of Table I on page 5178 the number immediately above "11.7" should read "11.6".

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Regulation 99]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.396 *Grapefruit Regulation 99*—(a) *Findings*—(1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 13, 1948, and ending at 12:01 a. m., e. s. t., September 20, 1948, no handler shall ship:

(i) Any grapefruit, other than pink grapefruit, grown in the State of Florida which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] M. W. BAKER,
*Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 48-8201; Filed, Sept. 10, 1948; 8:59 a. m.]

PART 979—IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

LIMITATION OF SHIPMENTS

§ 979.301 *Regulation No. 1*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (13 F. R. 1994), regulating the handling of potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, (ii) shipments of potatoes from the production area have al-

ready begun, (iii) compliance with this regulation will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for preparation for such date.

(b) *Order.* (1) During the period beginning on September 15, 1948, and ending on June 30, 1949, both dates inclusive, no handler shall ship any potatoes unless such potatoes meet the requirements of the U. S. Commercial grade or any higher grade: *Provided,* That seed potatoes shipped for seed purposes shall not be subject to any limitation hereunder but shall be subject to the inspection and assessment requirements of the marketing agreement and order.

(2) As used in this section, the terms "handler," "ship," "production area," "potatoes," and "seed potatoes," shall have the same meaning as when used in said marketing agreement and order; and the term "U. S. Commercial" shall have the same meaning as when used in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 48-8197; Filed, Sept. 10, 1948; 8:59 a. m.]

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[Tokay Grape Order 1]

## PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

### REGULATION BY GRADES AND SIZES

*Correction*

In Federal Register Document 48-7890, appearing on page 5147 in the issue for Friday September 3, 1948, in the second line of paragraph (b) (2), insert the word "ship," immediately following the word "shipper,".

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[Lemon Reg. 290, Amdt. 1]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order as amended.* The provisions in subparagraph (b) (1) of § 953.397 (Lemon Regulation 290, 13 F. R. 5179), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1948, and ending at 12:01 a. m., P. s. t., September 12, 1948, is hereby fixed as follows:

(i) District 1: 400 carloads.

(ii) District 2: Unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 9th day of September 1948.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 48-8234; Filed, Sept. 10, 1948; 8:53 a. m.]

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[Lemon Reg. 291]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.398 *Lemon Regulation 291*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948 and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

(i) District 1: 300 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1" and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 12, 1948, to 12:01 a. m. Sept. 26, 1948]

*District No. 1*

| *Handler* | *Prorate base (percent)* |
|---|---|
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .124 |
| American Fruit Growers, Inc., Fullerton | .239 |
| American Fruit Growers, Inc., Upland | .133 |
| Hazeltine Packing Company | .149 |
| Ventura Coastal Lemon Company | 3.062 |
| Ventura Pacific Company | 1.792 |
| Total A. F. G. | 5.499 |
| Klink Citrus Association | .000 |
| Lemon Cove Association | .000 |
| Glendora Lemon Growers Association | 1.147 |
| La Verne Lemon Association | .342 |
| La Habra Citrus Association, The | .895 |
| Yorba Linda Citrus Association, The | .770 |
| Alta Loma Hts. Citrus Association | .479 |
| Etiwanda Citrus Fruit Association | .241 |
| Mountain View Fruit Association | .375 |
| Old Baldy Citrus Association | .717 |
| Upland Lemon Growers Association | 4.310 |
| Central Lemon Association | .556 |
| Irvine Citrus Association, The | .816 |
| Placentia Mutual Orange Association | .208 |
| Corona Citrus Association | .130 |
| Corona Foothill Lemon Company | 2.093 |
| Jameson Company | .671 |
| Arlington Heights Citrus Co. | .341 |
| College Heights Orange & Lemon Association | 2.623 |
| Chula Vista Citrus Association | 1.412 |
| El Cajon Valley Citrus Association | .039 |
| Escondido Lemon Association | 1.678 |
| Fallbrook Citrus Association | .984 |

PRORATE BASE SCHEDULE—Continued

*Prorate District No. 1*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Lemon Grove Citrus Association | 0.397 |
| San Dimas Lemon Association | .832 |
| Carpinteria Lemon Asociation | 3.435 |
| Carpinteria Mutual Citrus Association | 3.798 |
| Goleta Lemon Association | 5.610 |
| Johnston Fruit Company | 9.322 |
| North Whittier Heights Citrus Association | .328 |
| San Fernando Heights Lemon Association | .252 |
| San Fernando Lemon Association | .118 |
| Sierra Madre-Lamanda Citrus Association | .918 |
| Tulare Co. Lemon & Grapefruit Association | .000 |
| Briggs Lemon Association | 2.767 |
| Culbertson Investment Co | .897 |
| Culbertson Lemon Association | 1.816 |
| Fillmore Lemon Association | 1.255 |
| Oxnard Citrus Association No. 1 | 6.591 |
| Oxnard Citrus Association No. 2 | 2.269 |
| Rancho Sespe | .754 |
| Santa Paula Citrus Fruit Association | 3.796 |
| Saticoy Lemon Association | 6.811 |
| Seaboard Lemon Association | 5.292 |
| Somis Lemon Association | 3.640 |
| Ventura Citrus Association | 2.186 |
| Limoneira Co | 2.265 |
| Teague-McKevett Association | .802 |
| East Whittier Citrus Association | .417 |
| Leffingwell Rancho Lemon Association | .422 |
| Murphy Ranch Company | .892 |
| Whittier Citrus Association | .176 |
| Whittier Select Citrus Association | .163 |
| Total C. F. G. E | 89.048 |
| Chula Vista Mutual Lemon Association | .747 |
| Escondido Co-op. Citrus Association | .158 |
| Highland Mutual Groves | .000 |
| Index Mutual Association | .179 |
| La Verne Co-op. Citrus Association | 1.250 |
| Orange Co-op. Citrus Association | .039 |
| Ventura County Orange & Lemon Association | 2.524 |
| Whittier Mutual Orange & Lemon Association | .079 |
| Total M. O. D | 4.976 |
| California Citrus Groves, Inc., Ltd | .000 |
| Dewars, Pieter | .000 |
| Evans Brothers Packing Co | .003 |
| Flint, Arthur E | .000 |
| Furr, N. C | .000 |
| Harding & Leggett | .000 |
| Isely, W. J | .000 |
| Johnson, Fred | .000 |
| Levinson, Sam | .000 |
| Lorbeer, Carroll, W. C | .023 |
| Manos, Gus & William | .000 |
| Orange Belt Fruit Distributors | .407 |
| Rooke, B. G., Packing Co | .000 |
| San Antonio Orchard Co | .044 |
| Segal, Joseph | .000 |
| Torn Ranch | .000 |
| Walshe, Jack M | .000 |
| Zaninovich Bros., Inc | .000 |
| Total independents | .477 |

[F. R. Doc. 48-8233; Filed, Sept. 10, 1948; 8:53 a. m.]

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[Orange Reg. 247]

## PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.393 *Orange Regulation 247*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948 and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 1,500 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of September 1948.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 12, 1948, to 12:01 a. m. Sept. 19, 1948]

VALENCIA ORANGES

*Prorate District No. 2*

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Alta Loma | .0769 |
| A. F. G. Corona | .1171 |
| A. F. G. Fullerton | .7480 |
| A. F. G. Orange | 4988 |
| A. F. G. Riverside | .1144 |
| A. F. G. San Juan Capistrano | 1.0684 |
| A. F. G. Santa Paula | .6321 |
| Hazeltine Packing Co | .4330 |
| Placentia Pioneer Valencia Growers Association | .6429 |
| Signal Fruit Association | .1387 |
| Azusa Citrus Association | .4010 |
| Covina Valley Orange Co | .1042 |
| Damerel-Allison Co | .8655 |
| Glendora Mutual Orange Association | .4002 |
| Irwindale Citrus Association | .3804 |
| Puente Mutual Citrus Association | .2176 |
| Valencia Heights Orchard Association | .4900 |
| Covina Citrus Association | 1.1341 |
| Covina Orange Growers Association | .5992 |
| Glendora Citrus Association | .3842 |
| Glendora Heights Orange & Lemon Growers Association | .0597 |
| Gold Buckle Association | .5711 |
| La Verne Orange Association | .6908 |
| Anaheim Citrus Fruit Association | 1.2071 |
| Anaheim Valencia Orange Association | .8208 |
| Eadington Fruit Co., Inc | 2.2837 |
| Fullerton Mutual Orange Association | 1.2948 |
| La Habra Citrus Association | 1.2839 |
| Orange County Valencia Association | .6313 |
| Orangethorpe Citrus Association | .8849 |
| Placentia Cooperative Orange Association | .6447 |
| Yorba Linda Citrus Association | .6635 |
| Citrus Fruit Growers | .1474 |
| Cucamonga Citrus Association | .2271 |
| Etiwanda Citrus Fruit Association | .0562 |
| Mountain View Fruit Association | .0193 |
| Old Baldy Citrus Association | .1347 |
| Rialto Heights Orange Growers | .0628 |
| Upland Citrus Association | .4017 |
| Upland Heights Orange Association | .1293 |
| Consolidated Orange Growers | 1.9526 |
| Frances Citrus Association | 1.5761 |
| Garden Grove Citrus Association | 1.4190 |
| Goldenwest Citrus Association The | 1.6414 |
| Irvine Valencia Growers | 2.8502 |
| Olive Heights Citrus Association | 2.0444 |
| Santa Ana-Tustin Mutual Citrus Association | 1.3185 |
| Santiago Orange Growers Association | 4.3091 |
| Tustin Hills Citrus Association | 2.6789 |
| Villa Park Orchards Association, The | 1.6580 |
| Bradford Brothers, Inc | .7330 |
| Placentia Mutual Orange Association | 1.6119 |
| Placentia Orange Growers Association | 1.8838 |
| Yorba Orange Growers Association | .6212 |
| Call Ranch | .0762 |
| Corona Citrus Association | .5624 |
| Jameson Co | .0489 |
| Orange Heights Orange Association | .3090 |
| Crafton Orange Growers Association | .4376 |
| East Highlands Citrus Association | .0825 |
| Fontana Citrus Association | .1218 |
| Highland Fruit Growers Association | .0000 |
| Redlands Heights Groves | .3210 |
| Redlands Orangedale Association | .3417 |
| Break & Sons, Allen | .0646 |

PRORATE BASE SCHEDULE—Continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Bryn Mawr Fruit Growers Association | 0.2711 |
| Krinard Packing Co | .3076 |
| Mission Citrus Association | .1668 |
| Redlands Cooperative Fruit Association | .3756 |
| Redlands Orange Growers Association | .2598 |
| Redlands Select Groves | .3225 |
| Rialto Citrus Association | .2095 |
| Rialto Orange Co | .2147 |
| Southern Citrus Association | .2010 |
| United Citrus Growers | .0920 |
| Zilen Citrus Co | .0742 |
| Arlington Heights Citrus Co | .1329 |
| Brown Estate, L. V. W | .1128 |
| Gavilan Citrus Association | .1625 |
| Hemet Mutual Groves | .0000 |
| Highgrove Fruit Association | .0670 |
| McDermont Fruit Co | .1923 |
| Monte Vista Citrus Association | .1961 |
| National Orange Co | .0000 |
| Riverside Heights Orange Growers Association | .0636 |
| Sierra Vista Packing Association | .0602 |
| Victoria Avenue Citrus Association | .1904 |
| Claremont Citrus Association | .1847 |
| College Heights Orange & Lemon Association | .2857 |
| El Camino Citrus Association | .0880 |
| Indian Hill Citrus Association | .2053 |
| Pomona Fruit Growers Exchange | .4240 |
| Walnut Fruit Growers Association | .4361 |
| West Ontario Citrus Association | .4148 |
| El Cajon Valley Citrus Association | .2964 |
| Escondido Orange Association | 2.6300 |
| San Dimas Orange Growers Association | .5000 |
| Andrews Brothers of California | .1955 |
| Ball & Tweedy Association | .5958 |
| Canoga Citrus Association | 1.1753 |
| North Whittier Heights Citrus Association | .9978 |
| San Fernando Fruit Growers Association | .4872 |
| San Fernando Heights Orange Association | 1.0253 |
| Sierra Madre-Lamanda Citrus Association | .2969 |
| Camarillo Citrus Association | 1.8705 |
| Fillmore Citrus Association | 3.7472 |
| Mupu Citrus Association | 3.2053 |
| Ojai Orange Association | 1.0796 |
| Piru Citrus Association | 1.5671 |
| Santa Paula Orange Association | 1.2185 |
| Tapo Citrus Association | 1.2702 |
| Ventura County Citrus Association | .0375 |
| Limoneira Co | .7084 |
| East Whittier Citrus Association | .3999 |
| El Ranchito Citrus Association | 1.0566 |
| Murphy Ranch Co | .4735 |
| Rivera Citrus Association | .4379 |
| Whittier Citrus Association | .7080 |
| Whittier Select Citrus Association | .4116 |
| Anaheim Cooperative Orange Association | 1.1423 |
| Bryn Mawr Mutual Orange Association | .0410 |
| Chula Vista Mutual Lemon Association | .1376 |
| Escondido Cooperative Citrus Association | .4235 |
| Euclid Avenue Orange Association | .5084 |
| Foothill Citrus Union, Inc | .0361 |
| Fullerton Cooperative Orange Association | .3041 |
| Garden Grove Orange Cooperative, Inc | .6506 |
| Golden Orange Groves, Inc | .2754 |
| Highland Mutual Groves | .0098 |
| Index Mutual Association | .2450 |
| La Verne Coop. Citrus Association | 1.3619 |
| Mentone Heights Association | .0729 |

PRORATE BASE SCHEDULE—Continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Olive Hillside Groves | 0.6622 |
| Orange Coop. Citrus Association | 1.0178 |
| Redlands Foothill Groves | .6380 |
| Redlands Mutual Orange Association | .1935 |
| Riverside Citrus Association | .0566 |
| Ventura County Orange and Lemon Association | 1.0062 |
| Whittier Mutual Orange and Lemon Association | .1351 |
| Babijuice Corp. of Calif | .3501 |
| Banks Fruit Co | .0000 |
| Banks, L. M | .2026 |
| Borden Fruit Co | 1.0169 |
| California Associated Growers | .0981 |
| California Fruit Distributors | .0483 |
| Cherokee Citrus Co., Inc | .1417 |
| Chess Co., Meyer W | .3600 |
| Escondido Avocado Growers | .0207 |
| Evans Bros. Packing Co | .1117 |
| Furr, N. C | .0189 |
| Gold Banner Association | .2962 |
| Granada Hills Packing Co | .0404 |
| Granada Packing House | 1.3298 |
| Hill, Fred A | .0806 |
| Inland Fruit Dealers, Inc | .0706 |
| Morris Brothers Fruit Co | .0115 |
| Orange Belt Fruit Distributors | 1.8805 |
| Panno Fruit Co., Carlo | .0212 |
| Paramount Citrus Association | .3741 |
| Placentia Orchard Co | .3748 |
| San Antonio Orchard Co | .3732 |
| Snyder & Sons Co., W. A | .4162 |
| Stephens, T. F | .2321 |
| Torn Ranch | .0000 |
| Wall, E. T | .1261 |
| Webb Packing Co | .0000 |
| Western Fruit Growers, Inc., Redlands | .6572 |

[F. R. Doc. 48-8245; Filed, Sept. 10, 1948; 11:26 a. m.]

# TITLE 8—ALIENS AND NATIONALITY

## Chapter II—Office of Alien Property, Department of Justice

### PART 501—GENERAL RULES OF PROCEDURE

#### FILING OF CLAIM AND EFFECT OF DISALLOWANCE

Part 501 is hereby amended by addition of § 501.61 and § 501.62, as set out below.

§ 501.61 *Filing of claim as condition precedent to suit.* The filing, heretofore or hereafter, of a claim under section 32 of the Trading with the Enemy Act shall constitute the filing of notice required by section 9 of the act as a condition precedent to the filing of a suit in equity for the return of property seized by, vested in, or transferred to the Alien Property Custodian, the Office of Alien Property Custodian, or the Attorney General.

§ 501.62 *Effect of disallowance of claim in determining period of limitations for filing suit.* The final disallowance under the rules of Part 504 of this chapter of any claim for the return of property filed under the Trading with the Enemy Act shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of the act, within which a suit pursuant to section 9 of the act may be instituted.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, Pub. Law 874, 80th Cong., 50 U. S. C., App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1945, 3 CFR, 1946 Supp.)

Executed at Washington, D. C., this 7th day of September 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 48-8185; Filed Sept. 10, 1948; 8:55 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration

[Amdt. 1]

### PART 405—PROCEDURE OF CIVIL AERONAUTICS ADMINISTRATION

#### SUBPART E—RECORDATION OF CONVEYANCES

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby amend Part 405, Subpart E, to read as follows:

Sec.
405.51 Recordation of aircraft ownership.
405.52 Recordation of encumbrances against specifically identified aircraft engines.
405.53 Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers.

AUTHORITY: §§ 405.51 to 405.53, inclusive, issued under 52 Stat. 986, 1006; 54 Stat. 1233, 1235–1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 458, 521.

§ 405.51 *Recordation of aircraft ownership*—(a) *General.* All conveyances which affect the title to, or any interest in, any aircraft registered under the provisions of the Civil Aeronautics Act are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any document evidencing indebtedness will be furnished to the holder of such document.

(b) *Forms of conveyance.* The following forms have been prepared by the Administrator for use in recording of conveyances and are available upon request to the Civil Aeronautics Administration, Office of the Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

(1) *Form ACA 500: Part C, Bill of Sale.* (For further information concerning Form ACA 500, see § 405.31 (c).)

(2) *Form ACA 506: Release.* (This form appears on the back of a letter acknowledging receipt of a chattel mortgage, and should be in the possession of

[1] In 13 F. R. 4199–4200, notice of intention to adopt this amendment was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

the mortgagee or his assignee to be used when the mortgage is cleared.)

(3) *Form ACA 818: Release Contract of Conditional Sale.* (This form appears on the back of a letter acknowledging receipt of a contract of conditional sale and should be in the possession of the seller or his assignee to be used when all conditions of the contract have been met.)

(4) *Form ACA 905: Aircraft Chattel Mortgage.*

(5) *Form ACA 906: Aircraft Conditional Sale Contract.*

(6) *Form ACA 909: Supplemental Affidavit to Application for Registration for All Types of Aircraft.* (To be filled in and submitted with Application for Registration (Form ACA 500, Part B) when the aircraft has been repossessed pursuant to the provisions of a chattel mortgage or contract of conditional sale and the person repossessing desires registration of the aircraft in his name.)

(c) *Application.* A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the $4.00 registration fee) for recording a bill of sale. A fee of $4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be $4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of aircraft conveyances, see Part 503 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.52 *Recordation of encumbrances against specifically identified aircraft engines*—(a) *General.* All conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines. However, Form ACA–1990 has been designed to serve as a receipt for the recording of aircraft engine conveyances.

(c) *Recording fee.* A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be $2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against specifically identified aircraft engines, see Part 504 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.53 *Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers*—(a) *General.* All conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instruments need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof, are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines, propellers, appliances, or spare parts. However, Form ACA–1991 has been designed to serve as a receipt for the recording of such conveyances.

(c) *Recording fee.* A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances, or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be $2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances, or spare parts.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers, see Part 505 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

This amendment shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48–8142; Filed, Sept. 10, 1948; 8:46 a. m.]

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## PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby revise Part 503 to read as follows:

Sec.
503.1 Basis and purpose.
503.2 Definitions.
503.3 Eligibility of conveyances.

AUTHORITY: §§ 503.1 to 503.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235–1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 503.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft registered under the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, and Part 501 or Part 502 of this chapter. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 503.2 *Definitions.* As used in this part, "conveyance" means:

(a) A bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, aircraft; and

(b) Any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under this part.

§ 503.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It is executed upon the form prescribed by the Administrator for such type of conveyance, or upon a form deemed by the Administrator to be its equivalent;

(b) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of either § 501.3 (a) or (b) of this chapter, whichever is applicable: *Provided*, That this paragraph shall not apply to conveyances affecting an interest in, but not title to, the aircraft;

(c) It affects an aircraft currently registered under the terms of the Civil Aeronautics Act of 1938, as amended;

[1] In 13 F. R. 4200, notice of intention to adopt this revision was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

(d) It is accompanied by the required recordation fee:[2] *Provided,* That this paragraph shall apply only to conveyances executed for security purposes, and not to any release, cancellation, discharge, or satisfaction thereof; and

(e) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgement of deeds.

This revision shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-8143; Filed, Sept. 10, 1948; 8:46 a. m.]

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PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby adopt Part 504 to read as follows:

Sec.
504.1 Basis and purpose.
504.2 Definitions.
504.3 Eligibility of conveyances.

AUTHORITY: §§ 504.1 to 504.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235-1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 504.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 504.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 504.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It affects an aircraft engine which is specifically identified by make, model, and by manufacturer's serial number;

(b) It affects an aircraft engine of seven hundred and fifty or more rated take-off horsepower or the equivalent of such horsepower;

(c) It is accompanied by the required recordation fee:[3] *Provided,* That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

This part shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-8144; Filed, Sept. 10, 1948; 8:46 a. m.]

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PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, OR SPARE PARTS

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby adopt Part 505 to read as follows:

Sec.
505.1 Basis and purpose.
505.2 Definitions.
505.3 Eligibility of conveyances.

AUTHORITY: §§ 505.1 to 505.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235-1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 505.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 505.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 505.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It affects aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) It specifically describes the location or locations of the aircraft engines, propellers, appliances, and spare parts covered thereby;

(c) It is accompanied by the required recordation fee:[4] *Provided,* That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

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[1] In 13 F. R. 4200-4201, notice of intention to adopt this part was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

[2] Section 405.51 (c) of this chapter provides: "Application. A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the $4.00 registration fee) for recording a bill of sale. A fee of $4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be $4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft."

[3] Section 405.52 (c) of this chapter provides: "Recording fee. A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be $2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine."

[4] Section 405.53 (c) of this chapter provides: "Recording fee. A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be $2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances or spare parts."

This part shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-8145; Filed, Sept. 10, 1948; 8:46 a. m.]

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[Amdt. 1]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205, 308, and 601 of the Civil Aeronautics Act of 1938, as amended, and sections 42.341, 42.342, 42.37, 60.306, and 61.752 of the Civil Air Regulations the Administrator is authorized to prescribe standard instrument approach procedures, including landing and take-off minimums.

Acting pursuant to the foregoing authority, and in accordance with sections 3 and 4 of the Administrative Procedure Act, the following amendment to Part 609 is hereby adopted. This amendment relieves restrictions, clarifies existing regulations, and imposes no additional burdens upon interested persons. It is issued without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

1. Section 609.1 *Introduction*, paragraph (a) is amended to read:

(a) The following standard instrument approach procedures (including ceiling and visibility minimums for take-off and landing at particular airports) shall be identical for all users, with the following exceptions: The minimums for take-off and landing shall not apply to (1) military aircraft, or (2) users for whom the Administrator has specifically authorized lower minimums. The minimums for take-offs shall not apply to those users for whom the Administrator has not been authorized to prescribe take-off minimums.

2. Section 609.1 *Introduction*, paragraphs (c) and (d) are amended by substituting "visual contact" for "VFR" wherever the latter term appears.

3. Section 609.2 *Ceiling and visibility minimums*, paragraphs (a) and (b) are amended by substituting "landing" for "approach" wherever the latter term appears.

4. Section 609.2 *Ceiling and visibility minimums*, paragraph (e) is amended by eliminating "Procedure" and capitalizing "not"

(Secs. 205, 308, 601, 52 Stat. 984, 986, 1007; 54 Stat. 1231, 1233-1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 458, 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 48-8141; Filed, Sept. 10, 1948; 8:46 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

*Correction*

In Federal Register Document 48-7906, appearing at page 5152 in the issue for Friday, September 3, 1948, in the third column, paragraph "(a)" should read paragraph "(d)"; on page 5153 in the first column, in subparagraph (2) (i), the comma following the word "batch" should be changed to a semicolon.

# TITLE 30—MINERAL RESOURCES

## Chapter I—Bureau of Mines, Department of the Interior

PART 03—DELEGATIONS OF AUTHORITY

EXECUTION AND APPROVAL OF CONTRACTS

Under Subchapter A, Part 03, § 03.2 entitled "Execution and approval of contracts", paragraphs (b) and (c) are amended, and new paragraph (d) is added, all to read as follows:

§ 03.2 *Execution and approval of contracts.*

(b) To the Chief of the Administrative Division is delegated the power to make the final approval of all contracts in which the consideration to be paid by the Government is not more than $10,000.00, except the following contracts: contracts for construction and cooperative agreements not on approved Bureau of Mines forms.

(c) To the Chief of the Petroleum and Natural Gas Branch is delegated the power to make the final approval of the following contracts: contracts for the sale of helium if there is no information or reason to believe that the helium is to be exported, used in airship flights to foreign countries, or used for novel industrial purposes.

(d) The power is reserved in the Director to make the final approval of the following contracts: contracts in which the consideration to be paid by the Government is more than $10,000.00; contracts for construction; and cooperative agreements not on approved Bureau of Mines forms. Contracts for the sale of helium, if there is information or reason to believe that the helium is to be exported, used in airship flights to foreign countries, or used for novel industrial purposes, will ordinarily be referred to the Secretary for approval or execution pursuant to the provisions of 43 C. F. R., 1947 Supp. 4.355.

Dated: September 3, 1948.

THOS. H. MILLER,
*Acting Director.*

[F. R. Doc. 48-8150; Filed, Sept. 10, 1948; 8:47 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 519]

ALASKA

WITHDRAWING PUBLIC LAND FOR THE USE OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described tract of public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral leasing laws, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

U. S. Survey No. 2721, at the junction of Steese Highway with the Circle-Hot Springs Road at Central House, in latitude 65°34′ N., longitude 144° 49′ W.

The area described contains 7.11 acres.

OSCAR L. CHAPMAN,
*Under Secretary of the Interior.*

AUGUST 30, 1948.

[F. R. Doc. 48-8146; Filed, Sept. 10, 1948; 8:47 a. m.]

# TITLE 46—SHIPPING

## Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

[CGFR 48-45]

PART 35—OPERATION

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the inspection and navigation regulations was published in the FEDERAL REGISTER dated March 6, 1948 (13 F. R. 1237) and public hearings were held by the Merchant Marine Council on March 30 and 31, 1948, at Washington, D. C.

The purpose of the amendments to the regulations is to clarify their intent, establish additional safety requirements on the basis of experience obtained, and to permit certain practices to be employed by the industry in the operation of tank vessels.

By virtue of the authority vested in me by R. S. 4405, as amended, 46 U. S. C. 375, section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), R. S. 4417a, 46 U. S. C. 391a, section 5 (e), 55 Stat. 244, as amended, 50 U. S. C. 1275, the following amendments to the regulations are prescribed, which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

GENERAL

1. Section 35.1–3 is amended by designating the first paragraph as (a) and adding the following paragraph (b):

§ 35.1–3 *Illness, alcohol, drugs—TB/ALL.* * * *

(b) When a member of the crew of a tank vessel which is loading bulk cargo of Grades A, B or C arrives at the gangway and is observed to be in an intoxicated condition, he shall not be permitted to board the ship without escort.

GENERAL SAFETY RULES

2. Section 35.4–2 is amended to read as follows:

§ 35.4–2 *Fires, matches, and smoking—TB/ALL.* * * *

(a) *General.* In making the determinations required under paragraphs (b), (c) and (d) of this section the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall exercise his skill and experience with due regard to attendant conditions and circumstances, including consideration for location of shore side facilities, maintenance of mobility, provision for fire protection, state or change of winds, tides, sea, weather conditions, forces of nature and other circumstances generally beyond human control.

(b) *Boiler fires.* Boiler fires are normally permitted during cargo transfer operations: *Provided,* That prior to loading Grade A, B, and C cargoes, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment boiler fires may be maintained with reasonable safety during the loading operation.

(c) *Galley fires.* Galley fires are normally permitted during cargo transfer operations: *Provided,* That prior to loading Grade A, B and C cargoes the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the loading operation.

(d) *Smoking.* Smoking is prohibited on the weather decks of tank vessels when they are not gas free and are alongside docks. At other times and places the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall designate when and where the crew may smoke: *Provided,* That prior to loading Grade A, B and C cargoes the master or senior deck officer on duty shall make an inspection to determine if and where, in his judgment, smoking may be permitted with reasonable safety during the loading operation.

(e) *Matches.* The use of other than safety matches is forbidden aboard tank vessels at all times.

CARGO HANDLING

3. Section 35.5–5 is amended by adding the following paragraphs (h), (i) and (j):

§ 35.5–5 *Inspection prior to transfer of cargo—TB/ALL.* * * *

(h) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(i) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(j) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether smoking may be permitted with reasonable safety.

4. Section 35.5–6 is amended to read as follows:

§ 35.5–6 *Approval to start transfer of cargo*—(a) *TB/ALL.* When the senior deck officer on duty has assured himself that the requirements of § 35.5–5 have been met, he may give his approval to start operations.

(b) *T/ALL.* After completing the inspection required by § 35.5–5 and prior to giving his approval to start the cargo transfer operation, the master or senior deck officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate, where required, shall be handed to the terminal superintendent or his representative who shall on demand be given the opportunity to satisfy himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

Date_____

/S_____ ____ Port of _____

I, _____, being the master or senior deck officer in charge of the transfer of bulk inflammable and combustible cargo about to be undertaken do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 35.5–5 and that opposite each of them I have indicated that the regulation has been complied with.

(1) Are warnings displayed as required?

(2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?

(3) Is cargo hose of sufficient length properly connected and supported and are cargo valves properly set?

(4) Have all cargo hose connections for loading Grade A, B and C cargoes been made to the vessel's pipe lines?

(5) Are there any fires or open flames present on the deck or in any compartment which is located on, facing, open and adjacent to that part of the deck on which the cargo hose is connected?

(6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo?

(7) Are sea valves connected to the cargo system closed?

(8) If Grade A, B and C cargoes are to be loaded and boiler fires are lighted—has an inspection been made to determine that they may be operated with reasonable safety?

(9) If Grade A, B and C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(10) If Grade A, B and C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted? If smoking is to be permitted, have spaces been designated for this purpose?

5. Section 35.5–8 (c) is amended to read as follows:

§ 35.5–8 *Conditions under which transfer operations shall not be commenced or if started shall be discontinued—TB/ALL.* * * *

(c) If a self-propelled vessel comes directly alongside in way of cargo tanks of a tanker or tank barge which is loading Grade A, B or C cargo.

(R. S. 4405, as amended, R. S. 4417a, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: September 7, 1948.

[SEAL] J. F. FARLEY,
*Admiral, U. S. Coast Guard,*
*Commandant.*

[F. R. Doc. 48–8186; Filed, Sept. 10, 1948; 8:55 a. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

## Chapter I—Interstate Commerce Commission

[Rev. S. O. 396, Amdt. 1]

PART 95—CAR SERVICE

PERISHABLES; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 396 (13 F. R. 3738), and good cause appearing therefor:

*It is ordered,* That: Revised Service Order No. 396, *Perishables; restrictions on reconsigning,* be, and it is hereby suspended until 7:00 a. m. September 22, 1948, unless otherwise modified.

*It is further ordered,* That this amendment shall become effective at 7:00 a. m., September 8, 1948, and it shall apply on all cars on hand for diversion or reconsignment on or after the effective date hereof.

*It is further ordered,* That a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 48–8166; Filed, Sept. 10, 1948; 8:50 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Bureau of Animal Industry

### [9 CFR, Part 72]

PREVENTION OF SPREAD OF SPLENETIC OR TICK FEVER IN CATTLE

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture of the United States, pursuant to the Act of March 3, 1905 as amended and extended (21 U. S. C. 123–128) is considering revoking § 72.3 of the regulations for prevention of the spread of splenetic or tick fever in cattle (9 CFR and 1946 Supp. Part 72), and amending § 72.2 of said regulations to read as follows:

§ 72.2 *Splenetic or tick fever in cattle in described territory of Texas and Puerto Rico; prohibitions on movement of cattle.* Notice is hereby given that the contagious and infectious disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in the Territory of Puerto Rico. Therefore, in the portions of the State of Texas and the Territory of Puerto Rico described in §§ 72.4 and 72.5, the quarantine heretofore established is continued, and the movement of cattle therefrom to any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of Parts 71 and 72 of this chapter (9 CFR, Cum. Supp., and 1946 Supp., Parts 71 and 72; regulations 1 and 2, B. A. I. Order 309, as amended; B. A. I. Order 380, as amended, and B. A. I. Circular Letters 1369, 1750 and 1895, and Administrative Notice 1).

The other presently effective provisions of the regulations in Part 72 are to be continued in force.

The purpose of the proposed amendment is simply to release from the Federal quarantine imposed by the regulations in 9 CFR and 1946 Supp. Part 72, the area quarantined in Florida on account of splenetic or tick fever in cattle.

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
*Acting Secretary of Agriculture.*

[F. R. Doc. 48–8177; Filed, Sept. 10, 1948; 8:54 a. m.]

### Production and Marketing Administration

PRODUCERS LIVESTOCK COMMISSION CO., INC.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Producers Livestock Commission Co., Inc. of Abilene, Texas is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] PRESTON RICHARDS,
*Acting Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48–8163; Filed, Sept. 10, 1948; 8:50 a. m.]

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RANCHERS AND FARMERS LIVESTOCK SALES CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Ranchers and Farmers Livestock Sales Company at Clovis, New Mexico, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be make subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] PRESTON RICHARDS,
*Acting Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 48–8164; Filed, Sept. 10, 1948; 8:50 a. m.]

### [7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. 900.1 et seq.), a public hearing was held at Lodi, California, beginning on April 15, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER (13 F. R. 1940), upon proposed amendments to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., Part 951), regulating the handling of Tokay Grapes grown in the State of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on July 9, 1948, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (13 F. R. 4020, 4199, 4324, 4428).

Exceptions to the recommended decision were filed on behalf of the Industry Committee, Tokay Marketing Agreement, 1515–9th Street, Sacramento, California. In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

The material issues, findings and conclusions, and the general findings of the aforesaid recommended decision (13 F. R. 4020, 4199, 4428) are hereby approved and adopted as the material issues, findings, and conclusions, and general findings of this decision as if set forth in full herein.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California" and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing

conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered*, That all of this decision except the annexed agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement amending the marketing agreement, as amended, are identical with those contained in the annexed order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C. this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
*Acting Secretary of Agriculture.*

*Order[1] Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California*

§ 951.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), and the rules of practice and procedure effective thereunder (7 CFR and Supps., 900.1 et seq.), a public hearing was held at Lodi, California, beginning on April 15, 1948, upon proposed amendments to Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Tokay grapes grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement and the proposed amendments thereto upon which hearings have been held; and

(3) There are no differences in the production and marketing of said grapes grown in the production area covered by the said order, as amended and as hereby further amended, that make necessary different terms and provisions applicable to different parts of said area.

*It is, therefore, ordered*, That, on and after the effective date hereof, the handling of Tokay grapes grown in the State of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order is hereby further amended as follows:

1. Insert the following immediately preceding the period in § 951.1 (b): "and further amended by Public Law 305, 80th Cong., approved August 1, 1947".

2. Delete § 951.1 (g) and insert, in lieu thereof, the following:

(g) "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, deliver to a refrigerated storage warehouse in the State of California, or, in any other way to place grapes in the current of commerce between the State of California and any point outside thereof, or so as directly to burden, obstruct, or affect such commerce.

3. Delete § 951.1 (k) (1) and insert, in lieu thereof, the following:

(1) "Lodi District" means the County of San Joaquin, and shall be divided into the following Election Districts: (i) "Acampo Election District" means the school district of Houston; (ii) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (iii) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (iv) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (v) "Alpine Election District" means the school districts of Alpine and Lodi; (vi) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts.

4. Delete the third sentence from § 951.2 (a).

5. Insert the following immediately preceding the semicolon in § 951.2 (m) (3): ", and to engage in such research and service activities relating to the handling of grapes as may be approved, from time to time, by the Secretary".

6. In §§ 951.2 (m) (13), 951.2 (m) (15), and 951.2 (p) (5), delete the terms "§§ 951.4 and 951.5" and insert, in lieu thereof, the words "the provisions."

7. Delete the first sentence in § 951.3 (a) and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Industry Committee during the then current season for its maintenance and functioning and for such research and service activities relating to the handling of grapes as the Secretary may determine to be appropriate."

8. In the first sentence in § 951.3 (b) delete the words after "will be" and insert, in lieu thereof, the following: "incurred, as aforesaid, by the committee during such season."

9. In § 951.4 (b) delete subparagraph (2) and renumber subparagraph "(3)" as "(2)."

10. Delete the provisions of subparagraphs (1) through (5) of § 951.4 (c) *Exemptions*, renumber subparagraph (6) of § 951.4 (c) to read "(5)," and insert the following:

(1) The Industry Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(2) In the event the Secretary issues a regulation pursuant to this section, the Industry Committee shall determine for each district the percentage which the grapes produced in each such district, and permitted to be shipped under such regulation, is of the quantity of grapes produced in the respective district which would be shipped in the absence of such regulation. An exemption certificate shall thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped a percentage of his crop of grapes equal to the percentage determined as aforesaid of all grapes permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid.

(3) In the event the Industry Committee determines that, by reason of general crop failure or other general unusual conditions within a particular district, it is not feasible or would not be equitable to issue exemption certificates to growers within such district on the basis set forth in subparagraph (2) of this paragraph, it shall issue such certificates on the basis of the average of the percentages, as determined in subparagraph (2) of this paragraph, of the crops of grapes permitted to be shipped from both districts. An exemption certificate shall thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped a percentage of his crop of grapes equal to the average of the percentages determined as aforesaid. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of grapes equal to the average of the percentages determined as aforesaid.

(4) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

11. Renumber §§ 951.5, 951.6, and 951.7 through 951.18 to read, respectively, §§ 951.7, 951.8, and §§ 951.10 through 951.21 in proper numerical sequence.

12. In § 951.4 (d) delete the words "this section" after the words "pursuant to," and insert, in lieu thereof, the terms "§§ 951.4 and 951.5." Redesignate paragraph (d) of § 951.4 to read § 951.6.

13. Add a new § 951.5, as follows:

§ 951.5 *Minimum standards of quality and maturity*—(a) *Recommendation.* Whenever the Industry Committee deems it advisable to establish and maintain in effect during any period minimum standards of quality or maturity, or both, governing the shipment of grapes pursuant to this section, it shall so recommend to the Secretary. Each such recommendation of the committee shall be in terms of (1) freedom of the grapes from material impairment of shipping quality; (2) freedom of the grapes from material impairment of edible quality; (3) freedom of the grapes from serious damage to appearance; (4) minimum maturity requirements; or (5) any combination of the foregoing. With each such recommendation, the committee shall submit to the Secretary the information and data on which such recommendation is predicated; and the committee shall also submit to the Secretary such other information as he may request. The committee shall give prompt notice to handlers and growers of any such recommendation.

(b) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or material, or both, for grapes and to limit the shipment of grapes during any period to those meeting the minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, designate such period, and so limit the shipment of such grapes. The Secretary shall immediately notify the Industry Committee of the issuance of such regulation, and said committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of the handlers and growers.

14. Add a new § 951.9 as follows:

§ 951.9 *Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant hereto, it shall so recommend to the Secretary. If the Secretary finds upon the basis of such recommendation or from other available information that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

[F. R. Doc. 48-8175; Filed, Sept. 10, 1948; 8:53 a. m.]

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## [7 CFR, Part 951]

### HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

#### ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF AGENTS TO CONDUCT THE REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1947, to March 31, 1948, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of Tokay grapes for shipment in fresh form to determine whether such producers favor the issuance of an order amending Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in California, which amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1] J. H. Bryce and R. C. Beeman of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture, to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct the referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid order, on a copy of an appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing Tokay grapes grown in California or in rendering services for or advancing the interests of the producers of California Tokay grapes, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted; (ii) that any ballots may be cast by mail; (iii) that all ballots so cast must be addressed to J. H. Bryce, Field Representative, Western Marketing Field Office, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California; and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determines that voting may be conducted at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote.

(5) By giving ballots to producers at each such meeting, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to J. H. Bryce, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer and each cooperative association of producers to whom a ballot form was furnished;

(ii) A register containing the name and address of each producer and each cooperative association of producers from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(9) By appointing any county farm advisers in California, and any other persons deemed necessary or desirable, to assist the said referendum agents in per-

[1] See F. R. Doc. 48-8175, *supra*.

forming their duties hereunder. Each county farm adviser and other person so appointed shall serve without compensation, and may be authorized by the said referendum agents or any of them to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon receipt by J. H. Bryce of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administratio, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they or any of them deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reason therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amendments to the order, as amended, may be examined at the Office of the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or obtained from the Western Marketing Field Office, of the Fruit and Vegetable Branch, Production and Marketing Administration, at either 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, or 2180 Milvia Street, Berkeley 1, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
*Acting Secretary of Agriculture.*

[F. R. Doc. 48-8176; Filed, Sept. 10, 1948; 8:54 a. m.]

## [7 CFR, Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948-49 SEASON

Consideration is being given to the following proposals, submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, as the agency to administer the terms and provisions thereof;

(a) That the Secretary of Agriculture find that expenses not to exceed $23,470.00 may necessarily be incurred during the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, in order to enable said Industry Committee to perform its functions under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler, who is the first shipper thereof, shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.014 per hundred pounds, billing weight, of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Room 1846 South Building, Washington 25, D. C., not later than midnight of the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be submitted in quadruplicate.

As used herein, "handled," "shipped," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.3)

Issued this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
*Acting Secretary of Agriculture.*

[F. R. Doc. 48-8178; Filed Sept. 10, 1948; 8:54 a. m.]

## [7 CFR, Part 987]

HANDLING OF IRISH POTATOES GROWN IN MAINE

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

*Correction*

In Federal Register Document 48-7651, appearing at page 4958 in the issue for Thursday, August 26, 1948, the subparagraphs under § 987.0 should be designated (1), (2), and (3) instead of (a), (b), and (c).

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 519 [1] WITHDRAWING PUBLIC LAND FOR THE USE OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
*Under Secretary of the Interior.*

AUGUST 30, 1948.

[F. R. Doc. 48-8147; Filed, Sept. 10, 1948; 8:47 a. m.]

[1] See F. R. Doc. 48-8146, Title 43, Chapter I, Appendix, *supra*.

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 404

AUGUST 26, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C.

372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on October 28, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 28, 1948, to January 27, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 9, 1948, to October 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 28, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 28, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 8, 1949, to January 28, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 28, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

TERRITORY OF ALASKA

A tract of land on Baranof Island, Thimbleberry Bay, identified as U. S. Survey No. 2581, containing approximately 5 acres (homesite application of C. J. Mills, Anchorage 09963).

A tract of land along Gastineau Channel, identified as U. S. Survey No. 2650, containing approximately 5 acres (homesite application of Beatrice J. Stoddard, Anchorage 010349).

A tract of land on the shore of Gastineau Channel, about 4½ miles from Juneau, Alaska, between U. S. Survey No. 2572 and U. S. Survey No. 2168, with a shore line of approximately 87 chains.

The areas above described are not used or needed by the public for landing places or for harborage purposes. Some of these lands are occupied as homesites and have been improved by the construction of habitable houses and cultivation of gardens.

MARION CLAWSON,
*Director.*

[F. R. Doc. 48-8148; Filed, Sept. 10, 1948; 8:47 a. m.]

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[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 406

SEPTEMBER 1, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on November 3, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 3, 1948, to February 2, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 15, 1948, to November 3, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on November 3, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on February 3, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 15, 1949, to February 3, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on February 3, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

SEWARD MERIDIAN

T. 3 N., R. 12 W.,
Sec. 24, lot 4.
T. 1 S., R. 14 W.,
Sec. 14, lot 1;
Sec. 23, SE¼NE¼, lots 1 and 2.

T. 6 S., R. 14 W.,
Sec. 14, SW¼SW¼;
Sec. 23, lots 2 and 3.
T. 8 S., R. 14 W.,
Sec. 30, lot 1.

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.,
Sec. 28, SW¼NW¼, lots 1, 2, 4, 5, 6, and 7.

The areas described aggregate 542.06 acres.

The lands above described are not needed or used for landing places or for harborage purposes. Some of these lands are embraced in pending settlement claims and homestead entries, and are occupied and have been improved by the applicants.

MARION CLAWSON,
*Director.*

[F. R. Doc. 48-8149; Filed, Sept. 10, 1948; 8:47 a. m.]

## FEDERAL POWER COMMISSION

[Project No. 946]

HYRUM CITY, UTAH

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

SEPTEMBER 7, 1948.

Notice is hereby given that, on September 2, 1948, the Federal Power Commission issued its order entered August 31, 1948, granting partial exemption from payment of annual charges for the year 1946, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8151; Filed, Sept. 10, 1948; 8:47 a. m.]

[Docket Nos. ID-900, ID-1102]

JOHN A. PURCELL AND JOSEPH M. COSTELLO

NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

SEPTEMBER 7, 1948.

Notice is hereby given that, on September 2, 1948, the Federal Power Commission issued its orders entered August 31, 1948, in the above-designated matters, authorizing Applicants to hold positions in certain companies pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8152; Filed, Sept. 10, 1948; 8:47 a. m.]

[Docket No. E-6159]

CONNECTICUT RIVER POWER CO. AND NEW ENGLAND POWER CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Connecticut River Power Company (Connecticut Company) and New England Power Company (NEPCO), subsidiaries of New England Electric System, own and operate facilities in the States of Vermont, New Hampshire, and Massachusetts, including hydroelectric projects licensed under Part 1 of the Federal Power Act and identified in the Commission's records as projects Nos. 1855, 1892 and 1904, for the generation, transmission, and sale of electric energy.

(b) The business of Connecticut Company and NEPCO is predominantly the sale of electric energy at wholesale in interstate commerce pursuant to rate schedules on file with this Commission.

(c) Connecticut Company, under rate schedules designated by the Commission as Connecticut Company's Rate Schedule FPC Nos. 1 and 6, sells all of the output of its generating plants, in excess of local load requirements, to NEPCO.

(d) Connecticut Company and NEPCO, as licensees, are subject to Parts I and III of the Federal Power Act and, as public utilities, by reason of the ownership or operation of facilities for the transmission or sale of electric energy at wholesale in interstate commerce, are subject to Parts II and III of the Federal Power Act.

(e) On the basis of data available to the Commission, the rates, charges, services, or classification for or in connection with the transmission or sale of electric energy at wholesale in interstate commerce by Connecticut Company and NEPCO may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by New England Power Company or Connecticut River Power Company, for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction and any rule, regulation, practice, or contract affecting such rate, charge, service, or classification.

The Commission orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged, or collected by New England Power Company or Connecticut River Power Company for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classification, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 48-8153; Filed, Sept. 10, 1948; 8:48 a. m.]

[Docket No. G-1115]

CANADIAN RIVER GAS CO. AND COLORADO INTERSTATE GAS CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appearing to the Commission that:

(a) Canadian River Gas Company (Canadian River) owns and operates a natural-gas transmission pipeline system extending from the Panhandle gas field in Texas to a point near Clayton, New Mexico, and is engaged in the transportation and sale of natural gas for resale in interstate commerce and is a "natural-gas company" within the meaning of the Natural Gas Act, as amended, as heretofore found by the commission in its order of March 18, 1942, in Docket Nos. G-118, G-121 and G-124 (3 FPC 66-68);

(b) Colorado Interstate Gas Company (Colorado Interstate) owns and operates a natural-gas transmission pipeline system extending from a point near Clayton, New Mexico, to Denver, Colorado, Colorado Interstate purchases natural gas from Canadian River at said point of commencement of its main pipeline and also at a point near Gray, Oklahoma, purchases additional natural gas from producers in the Kansas-Hugoton field, and transports and sells said natural gas for resale in interstate commerce, and is therefore a "natural-gas company" within the meaning of the Natural Gas Act, as amended, as heretofore found by the Commission in its order of March 18, 1942, in Docket Nos. G-118, G-121 and G-124 (3 FPC 69-71);

(c) On the basis of data available to the Commission, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by Canadian River and Colorado Interstate may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by Canadian River Gas Company and Colorado Interstate Gas Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice, or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged or collected by Canadian River Gas Company and Colorado Interstate Gas Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-8154; Filed, Sept. 10, 1948; 8:48 a. m.]

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[Docket No. G-1116]

## PANHANDLE EASTERN PIPE LINE CO.

### ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Panhandle Eastern Pipe Line Company (Panhandle) owns and operates a natural-gas transmission pipeline system located in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, and by such operations is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 23, 1942, in Docket Nos. G-200 and G-207 (3 FPC 296).

(b) By letter of June 4, 1947, the Commission advised Panhandle as follows:

> The Commission has directed that an informal investigation be made of the interstate wholesale rates (including rate structure), the accounts, and the operations of Panhandle Eastern Pipe Line Company. This action is in accordance with the policy of the Commission to make a field examination, from time to time, of the rates, subject to its jurisdiction, of natural gas companies as defined in the Natural Gas Act.

(c) By telegram of August 22, 1947, the Commission advised Panhandle that the informal investigation would commence on September 2, 1947. The informal investigation did commence on September 2, 1947, and since then has been continuously in progress.

(d) On the basis of data presently available to the Commission as a result of such informal investigation, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by Panhandle may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that a formal investigation now be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by Panhandle Eastern Pipe Line Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that:

A formal investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service or classification demanded, observed, charged or collected by Panhandle Eastern Pipe Line Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any of such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTHRIE, *Acting Secretary.*

[F. R. Doc. 48-8155; Filed, Sept. 10, 1948; 8:48 a. m.]

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[DOCKET NO. E-6160]

## CENTRAL VERMONT PUBLIC SERVICE CORP.

### ORDER SUSPENDING RATE SCHEDULES

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Central Vermont Public Service Corporation (Central Vermont) submitted for filing on August 5, 1948, the following supplemental rate schedules:

| Tentative designation | Rate schedules proposed to be superseded | Purchaser |
|---|---|---|
| Supp. No. 3 to FPC No. 11 | Supp. No. 2, as amended, to FPC No. 11. | Village of Ludlow, Vt. |
| Supp. No. 2 to FPC No. 17 | Supp. No. 1, as amended, to FPC No. 17. | Woodstock Electric Co. |
| Supp. No. 3 to FPC No. 20 | Supp. No. 2, to FPC No. 20 | Allied Power & Light Co. |
| Supp. No. 1 to FPC No. 34 | | Rochester Electric Light & Power Co. |

providing for changes in the rates and charges to the above named purchasers of electric energy supplied by Central Vermont resulting generally in increased charges for such service.

(b) Central Vermont has requested that the proposed supplemental rate schedules be allowed to take effect with meter readings on and after July 7, 1948.

(c) Unless suspended by order of the Commission, the rate schedules of Central Vermont with the tentative designations referred to in paragraph (a), above, will become effective as of September 5, 1948, pursuant to the provisions of the Federal Power Act and the general rules and regulations promulgated thereunder.

(d) The change in rates or charges provided by the supplemental rate schedules, identified by the tentative designations, referred to in paragraph (a) above, may result in excessive rates or charges to the purchasers enumerated in said paragraph (a); may place an undue burden upon ultimate consumers of such electric energy; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed rates or charges and that said proposed rates or charges be suspended pending such hearing and the decision thereon.

The Commission orders that:

(A) A public hearing be held commencing November 1, 1948, at 10:00 a. m. (E. S. T.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provided for in Central Vermont Public Service Corporation supplemental rate schedules identified in paragraph (a) above.

(B) Pending such hearing and decision thereon, the supplemental rate schedules referred to in paragraph (a) above, be and the same are hereby suspended and the use of such rates or charges deferred until February 5, 1949, and thereafter such rate schedules shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension the rates or charges heretofore in effect under the rate schedules on file with the Commission for service to the purchasers by Central Vermont, enumerated in paragraph (a) above, shall remain and continue in effect.

(D) At such hearing, the burden of proof to show that the proposed rates or charges are just and reasonable shall be upon Central Vermont Public Service Corporation.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 48-8156; Filed, Sept. 10, 1948; 8:48 a. m.]

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[Docket No. G-1099]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 2, 1948.

Upon consideration of the application filed August 9, 1948, by Lone Star Gas Company (Applicant), a Texas Corporation with its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and continued operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4841).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 21, 1948, at 9:30 a. m. (EDST), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 48-8157; Filed, Sept. 10, 1948; 8:49 a. m.]



[Docket No. G-1105]

PIEDMONT NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 24, 1948, an application was filed with the Federal Power Commission by the Piedmont Natural Gas Corporation (Applicant), a Delaware corporation with its principal place of business at Spartanburg, South Carolina, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a natural gas pipeline.

The application recites that such pipeline will be approximately 990 miles in length originating in the upper Gulf Coast gas fields of Texas, and southwest Louisiana, and extending through the States of Mississippi, Alabama, Georgia, South Carolina, North Carolina, terminating in the vicinity of Danville, Virginia. The proposed project includes the installation of 12 compressor stations having a total of 87,000 horsepower, with a line capacity of approximately 215,000 Mcf per day.

The estimated cost of the proposed pipeline with compressor stations, river crossings and appurtenant facilities is $75,444,000, including an allowance for working capital. The financing of the line will be through the issuance of bonds, preferred stock, bank loans and additional common stock.

Applicant proposes to operate its transmission pipeline for the transportation of natural gas for resale to distributing companies in the States of South Carolina, North Carolina, and Virginia.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Piedmont Natural Gas Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8167; Filed Sept. 10, 1948; 8:50 a. m.]

[Project No. 2002]

LINOMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 7, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Linoma Power Company, of Lincoln, Nebraska, has filed application for preliminary permit for proposed water-power Project No. 2002 to be located on the Platte River in Sarpy, Cass, and Saunders Counties, Nebraska, and consisting of a dam near South Bend, Nebraska, forming a reservoir extending upstream to the vicinity of Ashland, Nebraska, a powerhouse integral with the dam, and appurtenant facilities. The head created by the dam would be about 25 feet.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 15, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8168; Filed, Sept. 10, 1948; 8:50 a. m.]

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[Docket No. G-1110]

WAYNESBORO GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 27, 1948, an application was filed with the Federal Power Commission by the Waynesboro Gas Company (Applicant), a Pennsylvania corporation located in Waynesboro, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing the Manufacturers Light and Heat Company to establish a physical connection of its transportation facilities with proposed facilities of Applicant and sell and deliver natural gas to Applicant for distribution in the Borough of Waynesboro, Franklin County, Pennsylvania.

The application recites that the present gas manufacturing plant being operated by the Waynesboro Gas Company was constructed in 1910 and due to the increased cost of light oil, coal and labor, together with increased demand for gas service, its gas plant operating costs have increased to a point where it is impossible to maintain economical operation.

Applicant asserts that it entered into a contract with the Manufacturers Light and Heat Company on January 7, 1946, whereby Manufacturers Light and Heat Company agreed to supply certain quantities of natural gas.

It is further submitted by Applicant that it has taken all reasonable steps for the purpose of obtaining deliveries of gas in accordance with its contract with

the Manufacturers Light and Heat Company but that it has been unable to obtain deliveries in accordance with its agreement.

The estimated sales and send-out of 1100 B. t. u. natural gas for the years 1949, 1950, 1951 and 1952, submitted by the Company are respectively 39,806 Mcf, 43,829 Mcf, 50,393 Mcf and 60,835 Mcf. The peak day estimates for the aforementioned years are estimated by the Applicant to be 166 Mcf, 183 Mcf, 210 Mcf and 253 Mcf.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Waynesboro Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8169; Filed, Sept. 10, 1948; 8:51 a. m.]

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[Docket No. G-1111]

GULFCOAST NORTHERN GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 27, 1948, Gulfcoast Northern Gas Company (Applicant), a Delaware corporation with its principal place of business at Tulsa, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of:

1. Approximately 1,184 miles of 26-inch O. D. natural-gas transmission pipe line commencing at a point at or near the La Gloria-Seeligson Gas Fields in Brooks, Jim Wells, and Kleberg Counties, Texas, and extending in a northerly direction to a crossing of the Mississippi River near Cape Girardeau, Missouri, and thence northerly to its terminus at or near Compressor Station No. 10 of the Natural Gas Pipeline Company of America, near Genesso, Henry County, Illinois.

2. Approximately 83 miles of lateral lines, as follows:

(a) 57 miles of 18-inch O. D. to the Feazel Gas Field.

(b) 26 miles of 10¾-inch O. D. to the Logansport Gas Field.

3. Twelve (12) compressor stations having a combined capacity of 115,200 installed horsepower.

4. Gas dehydration plants, metering and regulating stations, and other facilities appurtenant to the above-mentioned facilities.

Applicant proposes to obtain its supplies of natural gas from reserves in the La Gloria and Seeligson Fields in Brooks, Jim Wells, and Kleberg Counties, Texas, and in gas fields in De Soto, Lincoln, Webster, Bossier, and Claiborne Parishes, Louisiana. Applicant states that it does not propose to engage in the production or gathering of natural gas, but will purchase its supplies from owners of reserves in these fields totaling between five and six trillion cubic feet of natural gas. It is stated that such owners are willing to dedicate such reserves to this project for a period of at least twenty (20) years. According to the application, additional reserves will be obtained from other sources located along the route of the proposed line.

Applicant proposes to use the above-described facilities for the supply of natural gas to the Natural Gas Pipeline Company, which in turn supplies gas directly or indirectly to Chicago District Pipe Line Company, The Peoples Gas Light and Coke Company, Public Service Company of Northern Illinois, Western United Gas and Electric Company, and Public Service Company of Northern Indiana, in the Chicago area, and to its other utility customers in the areas served by it. The application states that the major companies presently serving the Chicago area now need in excess of 245,000 Mcf of natural gas per day to supplement their present supply of gas, and that, within approximately one year after the line is constructed, they will need in excess of 350,000 Mcf of additional gas per day.

The proposed facilities, according to Applicant, are designed to deliver initially at the northern terminus approximately 245,000 Mcf per day, and 350,000 Mcf per day ultimately.

Applicant estimates that the total overall capital cost will be $119,000,000. This is proposed to be financed by the issuance of the following securities:

| | |
|---|---|
| Bonds, 3.5 percent, 20-year | $89,250,000 |
| Preferred stock, 5 percent | 17,850,000 |
| Common stock | 11,900,000 |

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37), and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of the Gulfcoast Northern Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 48-8170; Filed, Sept. 10, 1948; 8:51 a. m.]

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## FEDERAL TRADE COMMISSION

[Docket No. 5562]

BETHANY COLLEGE AND DIVINITY SCHOOL ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

In the matter of Bethany College and Divinity School, a corporation, Carl M. Kilmer and Lulu M. Kilmer, individually, and as officers of said corporation, and William Potter, Grace Sercomb, Ted Victor Vorhees, J. Frederick Doering, William Morgan Keller, Carl M. Kilmer, Jesse J. Coody, Richard H. Crowder, Merle P. Estabrooks, Edith C. Sheetz, and John W. Oliver, individually and as officers and members of the Board of Governors of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

*It is ordered*, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony and the receipt of evidence begin on Monday, September 20, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 204, Post Office Building, Flint, Michigan.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of

which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
*Acting Secretary.*

[F. R. Doc. 48-8172; Filed, Sept. 10, 1948; 8:53 a. m.]

## INTERSTATE COMMERCE COMMISSION

[No. 29721; No. 29722]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON, AND PACIFIC COASTWISE WATER RATES

SPECIAL RULES OF PROCEDURE

SEPTEMBER 2, 1948.

These proceedings are assigned for hearing at the Assembly Room, Public Library, Civic Center, San Francisco, Calif., October 18, 1948, 10 o'clock a. m., United States standard Pacific time, before Commissioner Clyde B. Aitchison.

As this is an investigation on the Commission's own motion, petitions of intervention are unnecessary, but the parties should be prepared to comply with the requirements of Rule 73 of the general rules of practice.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel.

In the preparation of exhibits Rules 81 to 84 of the general rules of practice should be observed. If possible, all documentary evidence to be introduced by each witness should be suitably bound together in a single exhibit with pages consecutively numbered. At least 50 copies of each exhibit should be available. So far as possible exhibits should be self-explanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officer. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verified statements, as stated in the next paragraph.

Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 50 copies thereof as early as possible in the hearings. Verified statements may be mailed, addressed to Commissioner Aitchison, % Bureau of Motor Carriers, Interstate Commerce Commission, Room 166, Federal Office Building, Fulton and Leavenworth Streets, Zone 2, San Francisco, so as to reach him on or prior to the date of the hearing. Notice of objection to the receipt of any such statements should be given promptly to the Commission, and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent, or (c) is argumentative. All verified statements received in evidence will be part of the record upon which the Commission will base its decision.

By the Commission.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 48-8165; Filed, Sept. 10, 1948; 8:50 a. m.]

## PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[Bar Order 9]

MUTO MIYA ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9816, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
*Acting Deputy Administrator.*

APPENDIX A

| Name of debtor | Nationality | Last known address | Vesting order |
|---|---|---|---|
| Muto Miya | Japanese | Davao City | P-401 |
| Saburo Yogi | do | do | P-402 |
| Taio Sangyo Kabushiki Kaisha. | Corporation organized and existing under the laws of and having its principal office in Japan. | Cobu City | P-403 |
| Unknown Japanese | Japanese | Unknown | P-404 |
| Karl Friedrich Muller | German | Schillerstrass 83, Eningen b/Revelingerr, French Zone 14 b, Germany. | P-405 |
| Apo Canning Corp | Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals. | Talome, Davao City | P-406 |
| Matsuzo Kiyan | Japanese | 266 Sociego (Int.), Quezon City. | P-407 |
| Manko Kanashiro and others. | do | Cebu City | P-408 |
| Yoshio Kubo | do | 875 Cordillera, Station Mesa, Manila. | P-410 |
| Hisato Kubota | do | Magarao, Camarines Sur. | P-411 |
| Alfred Gabler-Gumbert | German | Ossla, Germany | P-412 |
| Sumimoto Shoten, Ltd. | Corporation organized and existing under the laws of and having its principal office in Japan. | Tondo, Manila | P-413 |
| Imperial Japanese Government. | Japanese | | P-414 |
| Takiyama (FNU) | do | Biñan, Laguna | P-415 |
| Imperial Japanese Government. | do | | P-416 |
| Yutaka Nakashima | do | Dagupan, Pangasinan. | P-417 |
| Imperial Japanese Army | do | | P-418 |
| Imperial Japanese Government. | do | | P-419 |
| Hanzo Harano | do | Davao City | P-420 |
| Dresdner Bank | A banking corporation organized and existing under the laws of and having its place of business in Germany. | Coblenz, Germany | P-421 |
| D. Toyama and T. Toyama. | Japanese | Claveria St., Davao City. | P-422 |
| Kazuo Takaziwa | do | P. O. Box 90, Davao, Davao. | P-423 |
| Yutaka Nakashima | do | Dagupan, Pangasinan | P-424 |
| Imperial Japanese Navy | do | | P-425 |
| Lasang Plantation Co., Inc. | Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals. | Davao | P-426 |
| R. Honda | Japanese | Davao City | P-427 |
| Imperial Japanese Army | do | | P-428 |
| Iheiji Muroaka | do | Legaspi, Albay | P-429 |
| Hikoichi Watari | do | Davao City | P-430 |
| Imperial Japanese Army | do | | P-431 |
| Tahei Yoko | do | 452-56 Juan Luna, Manila. | P-432 |
| Imperial Japanese Army | do | | P-433 |
| Fukimo Hatakayama | do | Silay, Occidental Negros. | P-434 |
| National Commodities Procurement & Distribution Corp. (NADISCO). | An instrumentality and/or agency of the puppet "Republic of the Philippines". | Manila | P-435 |
| Soichi Yamamoto | Japanese | C/o Honoda Hotel, Zamboanga City. | P-436 |
| Naogiro Aihara | do | | P-437 |
| Imperial Japanese Navy | do | | p-438 |
| J. Kuwahara and Y. Mishimoto. | do | San Juan del Monte | P-439 |
| Imperial Japanese Army | do | | P-440 |
| Kanjiro Koyama (Aurora Photo Co.). | do | Manila | P-441 |
| Tatunosuke Kato | do | Malitbog, Leyte | P-442 |
| Mori Hattori | do | Unknown | P-443 |
| C. Reumer and Dolores Ritcher. | Germans | Treskowstreet 18, Bremen, Germany, and Wilhelmstrasse, 6-11 Erfurt, Germany. | P-444 |
| Totaro Enta | Japanese | Manila | P-445 |
| Imperial Japanese Government. | do | | P-446 |

APPENDIX A—Continued

| Name of debtor | Nationality | Last known address | Vesting order | Name of debtor | Nationality | Last known address | Vesting order |
|---|---|---|---|---|---|---|---|
| Imperial Japanese Army | Japanese | | P-447 | Y. Kurisu, also known as Yozo Kurisu. | Japanese | 751-53 Rizal Ave | [1] P-382 |
| Kame Oshiro | do | Davao City | P-448 | Yonezo Kajita and Eda Kajita. | do | 246 Gral. Solano | [1] P-23 |
| Tsuruo Koike | do | do | P-449 | | | | |
| Nagawa Kogoh | do | do | P-450 | | | | |

[1] Supplement.

[F. R. Doc. 48-8190; Filed, Sept. 10, 1948; 8:56 a. m.]

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[Bar Order 6]

CARL BECKER ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
*Acting Deputy Administrator.*

APPENDIX A

| Name of debtor | Nationality | Last known address | Vesting order | Name of debtor | Nationality | Last known address | Vesting order |
|---|---|---|---|---|---|---|---|
| Carl Becker and others | German | Myers Bldg., Port Area, Manila. | P-251 | Riverside Plantation Co. | Corporation organized under the laws of the Philippines but controlled by Japanese nationals. | Talomo, Davao City | P-278 |
| C. Andre & Co | A business enterprise organized under the laws of and having its principal place of business in Hamburg, Germany. | 327 National City Bank Bldg., Manila. | P-252 | J. Konrad and/or wife | Germans | City of Baguio | P-279 |
| | | | | Kureha Boseki Kaisha | Corporation organized under the laws of and having its principal place of business in Japan. | Koronadal, Cotabato | P-280 |
| C. T. Struckmann and and Waege. | do | 5th Floor Soriano Bldg., Manila. | P-253 | | | | |
| Yoshizo Furukawa and Tokuko Furukawa. | Japanese | Davao City | P-254 | Subjects of Japan (Kimura, Matsamora, Nehei, Oshita, Takano and Yushida). | Japanese | La Trinidad, Benuet, Mt. Province. | P-281 |
| Kurashiki Boseki Kaisha | Corporation organized under the laws of and having its principal place of business in Japan. | Tarlac, Tarlac | P-255 | Yeikichi Imamura a/k/a Enrique Imamura. | do | Julugan, Tanza, Cavite. | P-282 |
| Kumizo Kumiyama | Japanese | City of Baguio | P-256 | Imperial Japanese Government. | do | | P-283 |
| Imperial Japanese Army | do | Bacolod City | P-257 | Davao Nichi-Nichi | Corporation owned and controlled by subjects of Japan and having its principal place of business in Davao City. | Davao City, Philippines. | P-284 |
| Yauemon Ohyabu | do | Cotabato, Cotabato | P-258 | | | | |
| Tanzo Yamasaki | do | Tarlac, Tarlac | P-259 | | | | |
| Unknown Japanese | do | Justo Lukban St., Daet, Camarines Norte. | P-260 | | | | |
| Japanese Government or unknown Japanese national. | do | Manila | P-261 | Imperial Japanese Government. | Japanese | Negros Occidental, Philippines. | P-285 |
| Nord-Deutsche Versicherungs Gesellschaft a/k/a North German Insurance Co. | A corporation organized under the laws of and having its principal place of business in Hamburg, Germany. | Hamburg, Germany | P-262 | Maximilian Joseph Hoffmeister. | German | Sandstrasse 20, Muchen, Germany. | P-286 |
| | | | | Takeichi Sakamoto | Japanese | Baliwag, Bulacan | P-287 |
| | | | | Tomio Matsuoka and Kotako Matsuoka. | do | Pagsanhan, Mulanay, Tayabas (Quezon). | P-288 |
| Ceded Corasigue | Japanese | Los Baños, Laguna | P-263 | Kame Akamini | do | 1484 G. Tuazon, Sampaloc, Manila. | P-289 |
| Do | do | do | [1] P-263 | Yutaka Nakashima | do | Dagupan, Pangasinan | P-290 |
| E. Murata | do | Mambaling, City of Cebu. | P-264 | Toyo Cotton Mills, Inc. | Corporation organized and existing under the laws of Japan, having its place of business in the Philippines. | Gen. Trias, Cavite | P-291 |
| Shinichi Niki | do | Cebu City, Philippines. | P-265 | | | | |
| Imperial Japanese Government. | do | Baler, Tayabas (Quezon). | P-266 | Hayashi (FNU) | Japanese | Araneta St., Bacolod City. | P-292 |
| Government of Germany | German | | P-267 | Imperial Japanese Army | do | Cebu Philippines | P-293 |
| Pangasinan Nippi Unya Kabushiki Kaisha. | Corporation organized and existing under the laws of the Philippines, 52 percent of its outstanding capital stock is registered in the names of Japanese nationals. | Dagupan, Pangasinan | P-268 | K. Abe and others | do | Baguio City, Philippines. | P-294 |
| | | | | Mitsui Bussan Kaisha | Corporation organized under the laws of and having its principal place of business in Japan. | Manila | P-295 |
| Arima | Japanese | Trinidad, Mt. Province. | P-269 | | | | |
| Imperial Japanese Government. | do | Sta. Ana, Davao City | P-270 | Imperial Japanese Navy | Japanese | Davao City, Philippines. | P-296 |
| | | | | Imperial Japanese Army | do | Iloilo City, Philippines | P-297 |
| Do | do | Talisay, Negros Occ | P-271 | Domingo Uy de Tadakuma. | do | City of Davao, Philippines. | P-298 |
| Seiji Uyehara | do | Daet, Camarines Norte. | P-272 | | | | |
| Japanese Imperial Government. | do | Legaspi St., Daet, Camarines Norte. | P-273 | Tokio Seiko Kabushiki Kaisha. | Corporation organized under the laws of and having its principal place of business in Japan. | do | [1] P-298 |
| Do | do | Gindulman, Bohol | P-274 | | | | |
| Japanese Civilian Association of Bacolod City. | do | City of Bacolod | P-275 | Do | do | do | [2] P-298 |
| M. Adachi and Masai Adachi. | do | Bontoc, Mt. Province | P-276 | Imperial Japanese Government. | Japanese | Marikina, Rizal | P-299 |
| | | | | Noritsugu Katashima | do | Ilang, Davao City | P-300 |
| Arata Tsutsui | do | Manila | P-277 | Sugahei Matsuo and Yuku Matsuo. | do | Davao City | [3] P-31 |

[1] Amendment. [2] As further amended. [3] Supplemental.

[F. R. Doc. 48-8187; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 7]

KIYO TAKESUYE ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
*Acting Deputy Administrator.*

APPENDIX A

| Name of debtor | Nationality | Last known address | Vesting order |
|---|---|---|---|
| Kiyo Takesuye | Japanese | Zamboanga, Zamboanga. | P-301 |
| Yoritsuma Kutsuna and Take Kutsuna | do | 2015 Luna St., Pasay (now Rizal City), Rizal. | P-302 |
| Shigeru Nakashima | do | 411 Reina Regente, Manila. | P-303 |
| Yochiro Yamane | do | Bacolod, Negros Occidental. | P-304 |
| Arajiro Danjo and others | do | Iloilo, Iloilo | P-305 |
| Kiyoshi Tadakuma | do | Davao City, Davao | P-306 |
| Unknown Japanese | do | Manila | P-307 |
| Imperial Japanese Army | do | Talisay, Negros Occidental. | P-308 |
| Imperial Japanese Government. | do | Sasa, Davao City | P-309 |
| K. Toogi | do | Taft and Leeson Sts., Bacolod City, Negros Occ. | P-310 |
| Murakami | do | Bacolod City, Negros Occ. | P-311 |
| T. Torohiro | do | Bontoc, Mt. Province | P-312 |
| Uyahara Kameckes | do | Bacolod City, Negros Occ. | P-313 |
| Tameo Yamashita | do | Pangil, Laguna | P-314 |
| Yaichi Shigihara | do | Sariaya, Quezon | P-315 |
| Yamamoto & Co | do | Baguio, Mt. Province | P-316 |
| Sadaji Iwaasa and Tsuyako Iwaasa. | do | Davao City, Davao | P-317 |
| Imperial Japanese Navy | do | Tondo, Manila | P-318 |
| Unknown Japanese | do | Unknown | P-319 |
| M. Aibara | do | Bontoc, Mt. Province | P-320 |
| M. Nakatani | do | Manila | P-321 |
| Shigeaki Yoshikawa and Sawa Yoshikawa. | do | 1028 Oroquieta St., Manila. | P-322 |
| Do | do | do | [1] P-322 |
| Imperial Japanese Government. | do | Davao City, Davao | P-323 |
| Zamboanga Development Co., Inc. | Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals. | Malong, Lamitan, Zamboanga. | P-324 |
| Imperial Japanese Government. | Japanese | Manila | P-325 |
| Tsunesaburo Mishima and Bui Mishima. | do | Tugbok, Guianga, Davao. | P-326 |
| Kahuro Sugioka | do | Legaspi, Albay | P-327 |
| Yoshimosa Fujiwara | do | 928-930 Washington St., Manila. | P-328 |
| Katsujiro Nakashima | do | Davao City, Davao | P-329 |
| Nangoku Kigyo Kabushiki Kaisha, Ltd. | Corporation organized under the laws of Japan and a business enterprise within the Philippines. | Nasipit, Agusan | P-330 |
| Nankosuisan Kabushiki Kaisha. | Corporation organized and existing under the laws of Japan and permitted to do business and operate in the Philippines. | Davao City, Davao | P-331 |
| Do | do | do | [1] P-331 |
| Yukuji Nakamura and Chitosi Nakamura. | Japanese | San Nicolas, Manila | P-332 |
| Mazaichi Nozawa and others. | do | Manila | P-333 |
| Imperial Japanese Government. | do | Bacolod City, Negros Occidental. | P-334 |
| Do | do | Quezon City | P-336 |
| Imperial Japanese Army | do | Cebu City | P-337 |
| S. Higuchi and other Japanese nationals. | do | Trinidad, Mt. Province. | P-338 |
| Imperial Japanese Army and Navy. | do | Davao City | P-339 |
| Mitsubishi Shoji Kaisha, Ltd. | Corporation organized under the laws of and having its head office in Tokyo, Japan. | National City Bank Building, Manila. | P-340 |
| Ritsuo Terachi and others (trading under the name of Cotabato Industrial Co., Inc.) | Japanese | Cotabato, Cotabato | P-341 |
| Taisho Marine & Fire Insurance Co., Ltd. | Corporation organized under the laws of and having its principal place of business in Tokyo, Japan. | Tokyo, Japan | P-342 |
| M. Mori | Japanese | Manila | P-343 |
| Imperial Japanese Government. | do | Opon, Cebu | P-344 |
| Yonezo Kajita | do | | P-345 |
| Masing Cuños | do | Sariaya, Tayabas (now Quezon). | P-346 |
| Imperial Japanese Army | do | Caloocan, Rizal | P-347 |
| S. Kakiage | do | | P-348 |
| Ikichi Ihara | do | Guinobatan, Albay | P-349 |
| Estate of Edward Weber-Duran a/k/a George Bernard Edward Duran; Edward Eugen George Weber and Eduardo Weber. | German | Germany | P-350 |
| Asaichi Kagawa | Japanese | Manila | [2] P-17 |
| Do | do | do | [3] P-17 |

[1] Amendment. [2] Supplement. [3] Amendment to supplemental.

[F. R. Doc. 48-8188; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 8]

MAGOZO FURUYAMA ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
*Acting Deputy Administrator.*

APPENDIX A

| Name of debtor | Nationality | Last known address | Vesting order |
|---|---|---|---|
| Nagozo Furuyama | Japanese | San Fernando, Pampanga. | P-351 |
| Yosheo Suizaki under the trade name "Japanese Drug Store." | do | 612 R. Hidalgo St., Manila. | P-353 |
| Y. Kameoku and others. | do | 415 Samanillo Bldg., Escolta, Manila Offices of Consolidated Mines, Inc. | P-354 |
| Macaria Hara | do | Trinidad, Mt. Province. | P-355 |
| A. Pistor | German | | P-356 |
| Tagakpan Industrial Association. | Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals. | Wangan, Guianga, Davao City. | P-357 |
| S. Isobe and others | Japanese | Iloilo, Iloilo | P-358 |
| Estate of Georg E. Weber. | German | Germany | P-359 |
| Manila Shoyu Jozo Kabushiki Kaisha. | Corporation organized and existing under the laws of the Philippines. | Tondo, Manila | P-360 |
| Yokohama Fire and Marine Insurance Co., Ltd. | Corporation organized and existing under the laws of and having its principal place of business in Yokohama, Japan. | Yokohama, Japan | P-361 |
| Do | do | do | [1] P-361 |
| Imperial Japanese Government. | Japanese | Cadiz, Negros Occidental. | P-362 |
| Do | do | North Harbor, Manila | P-363 |
| Isanu Sakamoto | do | 818 R. Hidalgo St., Manila. | P-364 |
| Imperial Japanese Air Force. | do | 4 Lacson St., Bacolod City. | P-365 |
| Atsuhiko Hoshi | do | Davao City, Davao | P-366 |
| Mintal Plantation Co. | Corporation organized and existing under the laws of the Philippines, 98% of its capital stock is registered in the name of Japanese nationals. | Mintal, Davao City | P-367 |
| Tadakuma (FNU) | Japanese | Daliao, Davao City | P-368 |
| Imperial Japanese Government. | do | | P-369 |
| Nanyo Plantation Co. | Corporation organized and existing under the laws of the Philippines, but controlled by Japanese nationals. | Davao | P-370 |
| T. Kamikawa | Japanese | Dingras, Ilocos Norte | P-371 |
| Hisato Kiyomoto | do | 507 Claveria St., Davao City. | P-372 |
| Y. Imamura | do | Mindoro | P-373 |
| Hashiro Kawahara under the trade-name "The Ideal Bazaar." | do | 411-13 Rizal Ave., Manila. | P-374 |
| Tokiji Karasawa and Kiyono Karasawa. | do | Talomo, Davao City | P-375 |
| Imperial Japanese Government. | do | Baguio City | P-376 |
| Do | do | Silay, Occidental Negros. | P-377 |
| Do | do | | P-378 |
| Germann & Co., Ltd. | Corporation organized and existing under the laws of and with principal place of business at Hamburg, Germany, and a branch office in the Philippines. | 156 Juan Luna St., Manila. | P-379 |
| E. F. Von Hunolstein | German | Unknown | P-380 |
| Imperial Japanese Government. | Japanese | Cebu City, Philippines. | P-381 |
| Yozo Kurisu and/or Star Bicycle Store. | do | 751-53 Rizal Ave., Manila. | P-382 |
| S. Tamura | do | Cebu City | P-383 |
| Christian Albert Ludwig Boysen and Minna E. Boysen. | Germans | Luzon Stevedoring Co., Port Area, Manila. | P-384 |
| Imperial Japanese Government. | Japanese | Bacolod City, Negros Occidental. | P-385 |
| Do | do | San Fernando, La Union. | P-386 |
| Taiwan Seito Kaisha | Corporation organized and existing under the laws of Japan and doing business in the Philippines. | Manapla, Negros Occidental. | P-387 |
| Imperial Japanese Army. | Japanese | Silay, Negros Occidental. | P-388 |
| Do | do | Panganiban, Catanduanes. | P-389 |
| K. Matsukawa | do | 307 Wilson Bldg., Juan Luna, Manila. | P-390 |
| Asafugi Nagaya and others. | do | Davao City, Davao | P-391 |
| Imperial Japanese Navy. | do | do | P-392 |
| Imperial Japanese Government. | do | Manila | P-393 |
| Estate of Antonina Bautista, Catalina Teraoka, and Edward Teraoka owned by Carlos Teraoka and MarieDoloresTeraoka. | do | 13 Ferguson Rd., Baguio City. | P-394 |
| K. Kasuragui | do | Del Monte Ave., Queson City. | P-395 |
| Nippon Yusen Kaisha | Corporation organized and existing under the laws of Japan and doing business in the Philippines. | Tokyo, Japan | P-396 |
| Seizu Higa | Japanese | Washington St., Davao City. | P-397 |
| Imperial Japanese Army. | do | Baguio City, Philippines. | P-398 |
| Imperial Japanese Government. | do | La Castellana, Negros Occidental. | P-399 |
| I. Yamamura and others. | do | Zamboanga, Zamboanga. | P-400 |
| Taiwan Tekkosho | do | Japan | [2] P-30 |
| Masao Matsumoto and Kyo Matsumoto. | do | 1067 Arlegui St., Quiapo, Manila. | [2] P-15 |

[1] Supplement. [2] Amendment.

[F. R. Doc. 48-8189; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 10]

JUNICHI YAMABE ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
*Acting Deputy Administrator.*

APPENDIX A

| Name of debtor | Nationality | Last known address | Vesting order |
|---|---|---|---|
| Junichi Yamabe and Cenen Francisco Yamabe. | Japanese | San Juan del Monte, Rizal. | P-451 |
| Mrs. K. Takara | do | Davao City | P-452 |
| Seizo Tamura and Toshiko Tamura. | do | Manila | P-453 |
| Kana Tamanaha | do | Davao City | P-454 |
| Jinjo | do | do | P-455 |
| Kobayashi | do | do | P-456 |
| Unknown Japanese subjects. | do | do | P-457 |
| Imperial Japanese Navy | do | do | P-458 |
| Do | do | do | P-459 |
| Unknown Japanese | do | do | P-460 |
| Theodor Hasche | German | Hamburg, Germany | P-461 |
| Otsuka (FNU) | Japanese | | P-462 |
| Sakamatu Yamamoto and Hiro Hiyama. | do | Cebu City | P-463 |
| Kushiro Fujimoto | do | 319 P. Gomez, Station, Cruz, Manila. | P-464 |
| Captain Hanamura | do | Iloilo City | P-465 |
| Imperial Japanese Army | do | | P-466 |
| Uichi Aiba | do | Calle Real, Tabaco, Albay. | P-467 |
| Imperial Japanese Air Force. | do | | P-468 |
| Imperial Japanese Government. | do | | P-469 |
| Akitaro (Jose) Usui | do | Pililla, Rizal | P-470 |
| Fukami | do | Toril, Davao City | P-471 |
| Unknown Japanese | do | | P-472 |
| Philippine Sugar Association. | An agency and/or instrumentality of the puppet "Republic of the Philippines." | Bacelod City, Philippines. | P-473 |
| Toyo Takusyoku Kaisha, Ltd. | A corporation duly organized and existing under the laws of the Japanese Empire and licensed to do business in the Philippines. | Rosario, Batangas | P-474 |
| Isidro Nakamura | Japanese | 124 Coral, Tendo | P-475 |
| Imperial Japanese Army | do | | P-476 |
| Nagamine | do | Ponciano Reyes, Davao City. | P-477 |
| Japanese Ishikawa | do | Piapi, Bocana, Davao City. | P-478 |
| Imperial Japanese Navy | Japanese | | P-479 |
| Yamatu Samabuco | do | Bocana, Davao City | P-480 |
| Japanese Nationals (Yasuhiro, et al.). | do | | P-481 |
| Ludwig Groll | German | 10 Fraunestein St., Frankfurt-Main, Germany. | P-482 |
| Taitaku | A business enterprise organized and existing under the laws of and having its principal place of business in Japan. | Ibaan, Batangas | P-483 |
| Imperial Japanese Navy | Japanese | | P-484 |
| Imperial Japanese Government. | do | | P-485 |
| Unknown Japanese | do | | P-486 |
| E. Lange | German | Not known | P-487 |
| W. Zollenkop | do | do | P-488 |
| Imperial Japanese Navy | Japanese | | P-489 |
| Imperial Japanese Army | do | | P-490 |
| Otto Bretting | German | Hotel Beur Avenue Lac, Zurich, Switzerland. | P-491 |
| Kichiemon Masaki and Kiyo Masaki. | Japanese | Talomo Beach, Davao City. | P-492 |
| Imperial Japanese Army | do | | P-493 |
| Y. Imagawa | do | Cotabato, Cotabato | P-494 |
| Iloilo Japanese Society | An association exclusively of Japanese subjects. | Iloilo City, Iloilo | P-495 |
| Imperial Japanese Army | Japanese | | P-496 |
| Shoza Takahashi | do | P. O. Box 2777, Manila | P-497 |
| Hana Wida | do | Parang, Cotabato | P-498 |
| Imperial Japanese Army | do | | P-499 |
| Imperial Japanese Army, Imperial Japanese Navy, instrumentalities of the Imperial Japanese Government and unknown Japanese citizens. | do | | P-500 |
| Imperial Japanese Government. | do | Davao City, Davao | [1] P-323 |
| Taiwan Tekkosho | do | Japan | [1] P-30 |

[1] Supplement.

[F. R. Doc. 48-8191; Filed, Sept. 10, 1948; 8:56 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-564]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

In the matter of American General Corporation, The Morris Plan Corporation of America, National Industrial Credit Corporation, Collateral Discount Corporation and George M. Greene, File No. 812-564.

Notice is hereby given that National Industrial Credit Corporation (National), 103 Park Avenue, New York, N. Y., has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the act, the proposed sale by National to George M. Greene, 32-33 81st Street, Jackson Heights, Long Island, New York, of 250 shares of capital stock, comprising all the stock outstanding of Collateral Discount Corporation (Collateral), 103 Park Avenue, New York, N. Y., for a cash purchase price of $25,000. George M. Greene is president and a director of Collateral.

Section 17 (a) (2) of the act makes it unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to purchase from any company controlled by such registered investment company, any security or other property, except securities of which the seller is the issuer.

American General Corporation, 420 Lexington Avenue, New York, N. Y., is a closed-end, non-diversified, management investment company registered under the act. American General Corporation owns approximately 61% of the common stock of the Morris Plan Corporation of America, 103 Park Avenue, New York, N. Y., the only class of stock of such company entitled to vote. The Morris Plan Corporation of America owns all the issued and outstanding shares of the capital stock of National. National, in turn, owns all the issued and outstanding shares of the capital stock of Collateral. Since George M. Greene is an officer and director of Collateral, the proposed purchase by him from National of capital stock of Collateral involves the purchase by an affiliated person of an affiliated person, of a registered investment company, from a company controlled by such registered investment company, of a security of which the seller is not the issuer. The application therefore requests an order exempting the proposed transaction from the provisions of section 17 (a) (2) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 24, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 22, 1948, at 5:30 p. m., submit to the Commission in writ-

ing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8158; Filed, Sept. 10, 1948; 8:49 a. m.]

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[File Nos. 70-1910, 70-1920, 68-106]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of September 1948.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration and its subsidiary, Metropolitan Edison Company ("Met Ed"), having filed a declaration and an application-declaration, and amendments thereto, pursuant to the provisions of sections 6 (b), 12 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-45, U-50, U-62 and U-65 promulated hereunder regarding the following transactions:

1. GPU will make a cash capital contribution to Met Ed of $1,500,000. Met Ed will increase the stated capital of its no par value common stock by the $1,500,000.

2. Met Ed will issue and sell, at competitive bidding, $3,500,000 principal amount of first mortgage bonds, ____% series, due 1978, and 40,000 shares of ____% $100 par value cumulative preferred stock.

3. Met Ed will make cash capital contributions, from time to time during the period ending September 30, 1949, to its subsidiary, Edison Light and Power Company, of $1,500,000.

4. Met Ed will solicit the requisite consent of its preferred and common shareholders to (a) issue the 40,000 shares of ____% $100 par value cumulative preferred stock, and (b) increase the stated value applicable to its no par value common stock by $1,500,000.

5. Met Ed will amend its charter so as to restrict the payment of dividends upon its common stock.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

*It is hereby ordered*, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that the aforesaid declaration filed by GPU and the aforesaid declaration and application-declaration, as amended, filed by Met Ed be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 of the general rules and regulations under the act and to the further condition that the proposed issue and sale of said bonds and preferred stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof in connection with the proposed transactions.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the payment of the fees and expenses of all counsel.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8159; Filed, Sept. 10, 1948; 8:49 a. m.]

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[File No. 70-1935]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of September 1948.

Public Service Electric and Gas Company ("PEG"), an electric utility subsidiary of the United Corporation, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transaction:

PEG proposes to borrow from time to time, on or before September 15, 1948, and not later than April 15, 1949, not more than $50,000,000 from nine commercial banks, such loans to be represented by unsecured notes maturing not later than September 15, 1950. Such notes are not to be acquired by said banks for resale to the public. The commercial banks by whom the loans are to be made and the maximum amount of the loan from each bank are as follows:

| | |
|---|---|
| The Chase National Bank of the City of New York | $14,000,000 |
| The First National Bank of the City of New York | 6,000,000 |
| Fidelity Union Trust Co., Newark, N. J. | 2,000,000 |
| J. P. Morgan & Co., Inc., New York | 2,000,000 |
| Guaranty Trust Co. of New York | 7,000,000 |
| The National City Bank of New York | 5,000,000 |
| Central Hanover Bank & Trust Co., New York | $5,000,000 |
| Chemical Bank & Trust Co., New York | 5,000,000 |
| Manufacturers Trust Co., New York | 4,000,000 |

Pursuant to the terms of the bank credit agreement, the notes will bear interest at the rate of 2% per annum to September 15, 1949, and thereafter at the rate of 2¼% per annum, such interest to be payable on December 15, 1948, and quarter-annually thereafter. PEG has the right to pay, in whole or in part, at any time prior to maturity thereof, without premium, the loans made under the credit agreement. PEG will pay to the respective banks a stand-by charge at the rate of ½ of 1% per annum on the average daily unused balance under the several commitments of the banks.

PEG states that any portion of the proceeds from the proposed loans not used for property additions and improvements will be used to pay the outstanding $18,000,000 principal amount of notes of PEG due March 15, 1949, or to pay at maturity certain prior lien bonds of PEG which mature within the next ten months.

PEG states that the proposed transaction is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, in which state the company is organized and doing business, and that a copy of such Commission's order approving the proposed borrowing of $50,000,000 will be supplied by amendment.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective as soon as possible:

*It is hereby ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed borrowing shall not be consummated until the same has been approved by the Board of Public Utility Commissioners of the State of New Jersey.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8160; Filed, Sept. 10, 1948; 8:49 a. m.]